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ABSTRACT

Information on state court organization as of January 1, 1980, in the 50 states, American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands is provided. Data were collected from published sources and through questionnaires. There are two major parts. Part I consists of 36 tables containing comparative data from all the states and other jurisdictions which describe particular facets of state court personnel, organization, structure, and administration. Data are summary in nature. Subject matter covered by the tables is diverse, including descriptions of justices' and judges' positions at all levels of court; court jurisdiction; methods of judicial selection; the selection, qualification, and use of jurors; state-level court administrative offices; and descriptions of judicial disciplinary bodies. Part II contains narrative profiles and figures that describe the organization of the judicial system in each state. Information is presented on seven topics: courts of last resort; intermediate appellate courts; courts of general jurisdiction; courts of limited or special jurisdiction; state-level administration; quasi-judicial officers; and judicial discipline. Appendices contain names of state court administrators, data collection instruments, and a glossary. (Author/RM)

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National Court Statistics Project
300 Newport Avenue
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NCJ-76711, SD-C-8
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U.S. DEPARTMENT OF JUSTICE
Bureau of Justice Statistics

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IMPORTANT

We have provided an evaluation sheet at the end of this publication. It will assist us in improving future reports if you complete and return it at your convenience.

Report of work performed by the National Court Statistics Project, National Center for State Courts.

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This State Court Organization, 1980 establishes a new state court statistical series containing organizational, financial, and personnel statistics for the court systems in all fifty states, the District of Columbia, Puerto Rico, American Samoa, the Virgin Islands, and Guam. This volume is the result of a cooperative effort of the National Center for State Courts (NCSC) and the Conference of State Court Administrators (COSCA). This work will be a companion document to the continuing State Court Caseload Statistics: Annual Report series also produced by the National Court Statistics Project (NCSP). This reference updates and expands previous national court surveys conducted by the Bureau of the Census in 1971, 1975, and 1977. Data contained in this volume were collected directly from each state court administrative office as well as from other, independent sources. The leadership and assistance of COSCA, and especially the NCSP Committee chaired by Bert M. Montague, has insured the quality and usefulness of this the first edition of a new national court statistical series.

Edward B McConnell

Edward B. McConnell
Director
National Center for State Courts

The Conference of State Court Administrators and its National Court Statistics Project Committee has worked closely with the National Center for State Courts NCSP staff in preparing this volume. State court administrators helped to determine which data would be collected, and then served as the primary source of much of the data. This work contains information on many facets of court organization and administration collected and uniformly organized in a single source for the first time. Comprehensive coverage is given to the organization and functions of the courts as well as the operations, budget, and personnel of the state court administrative offices. This volume should prove to be a valuable reference source for court organizational, managerial, and administrative data.

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The development process which eventually resulted in the production of the State Court Organization, 1980 has been going on for several years. During that time, numerous members of COSCA have served as officers and members of the NCSP Committee, providing guidance to NCSP staff in determining the scope and methodology for the survey. Their generous contributions of time and knowledge have helped to ensure that the data presented in this volume represents an accurate and comprehensive picture of court structure and administration. We are also indebted to the general membership of COSCA for the support they gave to project staff by providing detailed answers to complex questionnaires and for their careful review of narrative profiles describing each state court system.

We are indebted to the Judicial Administration Division of the American Bar Association (ABA) and its Implementation of Standards of Judicial Administration (ISJA) project committee and staff for their cooperation and willingness to share with the NCSP staff the ISJA state organization profile information. The ISJA profiles, developed through funding from the Law Enforcement Assistance Administration, have provided a base of data from which the NCSP state court organization profiles have been developed.

Researchers from other organizations also supplied data on specific topics to project staff for the construction of summary tables. Included in this group of people are Larry Berkson, Ted Nodzenski, Steven Gentry, and Michael Gilman of the American Judicature Society who reviewed the updates of numerous summary tables for this volume.

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Introduction

Introduction

National Court Statistics Project

This volume containing information on state court organization as of January 1, 1980 is the product of the continuing cooperative relationship between the Conference of State Court Administrators (COSCA) and the National Center for State Courts (NCSC). Financial management, project management, and staffing responsibility are assumed by the National Court Statistics Project (NCSP) of the NCSC. COSCA, through its NCSP Committee, provides general policy review, guidance, and control over all project activities.

One of the primary purposes of the NCSP is to produce a volume containing data on court organization and management from the 50 states, the District of Columbia, and territories of the United States, including American Samoa, Guam, Puerto Rico, and the Virgin Islands. This volume is intended to serve as a companion volume to the State Court Caseload Statistics: Annual Report series, that contains court caseload data from most of these same jurisdictions. Data collected for inclusion in this volume must be gathered and organized to facilitate comparison with similar information across jurisdictional boundaries.

These NCSC goals required the careful choosing of the methodology used to gather data from each jurisdiction and to report it in this volume, both state by state and collected into summary tables.

History of the development of State Court Organization, 1980.

The National Survey of Court Organization was conducted first for LEAA in late 1971 by the Bureau of Census as a preliminary step to establishing a national program of court statistics. One major purpose of the survey was to obtain information about court organizations and the types and locations of court records in use. Data were also gathered on the geographic and subject matter jurisdiction as well as on the number and types of court personnel. Supplements to the original report, containing updated descriptions of court organizations in states that had undergone major reorganizations, were published in September of 1975 and May of 1977. The National Survey provided the inspiration for the present volume.

This work is divided into two sections. The first section contains comparative statistics on state court personnel and administration presented in easy-to-read summary tables. The second section contains information on the organization, jurisdiction, routes of appeal, and personnel for each level of court in each state. Information in the "profiles" section of the volume is presented alphabetically, first for all states followed by the territories, for the convenience of people interested in locating information about specific jurisdictions.

Methodology

The first step in the design of this report was to determine the information requirements to be satisfied by the document. At the request of the COSCA NCSP Committee, project staff proposed data elements for inclusion in the report in the form of table shells and narrative outlines. Current data on court organization reported elsewhere were examined for possible use in this report. The COSCA NCSP Committee accepted some table shells entirely, changed specific data elements in others, combined some tables, and added others. Through several iterations, a set of table shells useful to judges, court administrators, planners, researchers, and others was agreed upon.

The second step in producing this report was a search for data to fill the empty table shells. Publications of the National Center for State Courts, the American Judicature Society, the Bureau of the Census, the Center for Jury Studies, the American Bar Association, and other organizations were examined to determine the number of tables that could be completed using current data already published. Some data elements were gathered directly from the search of state constitutions and statutes. It was decided that questionnaires should be used to capture only those data that are either not available from other sources or that change every year. This approach conserves resources by making maximum use of existing data.

Project staff, with the guidance of the COSCA NCSP Committee, formulated the outline to be used in constructing the state court organizational narrative profiles. The NCSP annual report series and individual state annual reports provided the information necessary to construct one chart displaying the court organization structure and another portraying the organization of the office of the state court administrator. The profile outline was completed initially with information taken from the Implementation of Standards of Judicial Administration (ISJA) project profiles. This information was supplemented by the study of state constitutions and statutes and other sources of court organization data.

A two-part questionnaire, designed to elicit data not available from published sources, was prepared. The first section of the questionnaire contained standard questions because data were unavailable for all states. The second section of the questionnaire was "tailor-made" for each state to elicit data elements missing only from that particular state. The preliminary court organization narrative profiles constructed for each state were included for review as a part of the "tailored" portion of the questionnaire. As the layout of the narrative profiles was expanded and refined, changes to the general audience and "tailored" portions of the questionnaire were required.

The questionnaire was tested in five states, chosen because they represented the extreme points in multiple measures (for example, degree of centralization, complexity of court structure, etc.) describing the various state court systems. Final adjustments, stemming from the results of the pretest, were made to the questionnaire, and it was distributed to all the states, American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. A copy of the general portion of the questionnaire and examples of the "tailored" portion of the questionnaire are contained in Appendix B.

Project staff gave assistance to the state court administrative offices in filling out the questionnaires through telephone discussions. Follow-up letters and telephone calls were made in an effort to ensure a response rate as close to 100% as possible. Responses were eventually received from all but 2 states and 2 territories.

As questionnaires were returned from the state court administrative offices, data were entered on the summary tables and the narrative profiles were corrected to reflect information supplied on the questionnaires. Data from other sources were collected and entered on summary tables. A follow-up questionnaire, requesting verification by the states of data gathered from other sources was "tailored" for each state and mailed out. Examples taken from the follow-up questionnaire are given in Appendix B. Data already entered on the summary tables and contained in the organizational charts and narratave profiles were corrected using the follow-up questionnaires returned by the states. Supporting material for the final volume was written, and the entire document was prepared for publication.

How to Use this Document

The Survey of Court Organization has been divided into two sections for ease of reference. Part I consists of 36 tables containing data from all the states and other jurisdictions covered in the document and describing particular facets of court organization, structure, and administration. Data given are summary in nature. Subject matter covered by the tables is diverse, including descriptions of justices and judges positions at all levels of court; court jurisdiction; methods of judicial selection; the selection, qualification, and use of jurors; state-level court administrative offices; and descriptions of judicial disciplinary bodies. The table format allows the reader to select for further study particular states/courts according to particular characteristics, or to compare different approaches to common problems by noting the frequency of certain responses.

Part II of the survey contains narrative profiles and figures that describe the organization of the judicial system in each state. The profiles all follow a uniform format. Information is presented on seven topics:

1. Court(s) of Last Resort
2. Intermediate Appellate Court(s)
3. Court(s) of General Jurisdiction
4. Court(s) of Limited or Special Jurisdiction
5. State-Level Administration
6. Quasi-Judicial Officers
7. Judicial Dicipline

Each state profile is constructed using the same outline, simplifying the process of locating particular information from one or numerous courts/states. Two charts are included in each profile, one displaying the courts and the routes of appeal among them; the other a diagram of the organization of the state-level court administrative office.

Most readers will want to examine both parts of the document using the summary tables to select states and territories that merit closer investigation. At the back of the volume, some additional references are given for other types of information not included in the present edition.

Limitations

One of the reasons for producing the State Court Organization, 1980 was to produce a single source for a great variety of court organization data. Much of the information contained in this volume has been available separately in the past in a number of different reports prepared by different groups. The very process of gathering this information together has itself caused some problems with the comparability of data in this volume.

An effort was made to ensure that data presented here would be as current and, at the same time, as uniform as possible. State court administrative offices were asked to use January 1, 1980, or the court/fiscal/administrative year ending closest to that date as the point in time for data they supplied. During the time between data collection and the final publication of the document, the administrative and organizational structures of the various court systems may have undergone changes. Where these changes could be anticipated (for example, the planned creation or elimination of certain courts, the proposed addition of judges to existing courts, or adopted but not yet enacted changes in court jurisdiction), they were included in the document along with their anticipated effective dates. Subsequent changes must await periodic updates of this volume.

The wide variety of sources for material in this document has also created problems of data comparability. Generally, each table is internally consistant with respect to time periods and item definitions, but among tables or among tables and profiles, particularly where the tables were constructed using data from outside sources, time periods and item definitions are certain to vary to some extent. Comparisons between the narrative profiles and summary tables may, in some cases, be misleading, since they reflect data collected for different time periods from different sources. Every attempt was made by project staff to maintain as high a level of internal consistancy as possible among the various sections of the document, but some unresolved conflicts may remain. To assist in eliminating some of the problems of interpreting the information contained in this volume, a glossary of the definitions of terms used in the document (for example, full-time equivalent) is contained in Appendix C. Definitions of court terms used in this document, in particular, definitions of case-types, are those given in the State Court Model Statistical Dictionary previously produced by the NCSP.

Part I: State Court Organization Summary Data

Table I: Justices of courts of last resort, 1980.
Name of court, number of authorized justices, method of selection, term, and salary.

State and court title	Number of authorized justices	Method of selection of justices (other than Chief Justice)	Term of justices	Salary of justices (other than Chief Justice)
ALABAMA--Supreme Court	9	Partisan election	6 years	$42,265
ALASKA--Supreme Court	5	Merit plan†	10 years	$52,992 to $60,410
ARIZONA--Supreme Court	5	Merit plan†, retention election	6 years	$47,500
ARKANSAS--Supreme Court	7	Partisan election	8 years	$42,399
CALIFORNIA--Supreme Court	7	Appointed by Governor and confirmed by the Commission on Judicial Appointments	12 years	$69,386
COLORADO--Supreme Court	7	Merit plan†	10 years	$40,000 to $45,600
CONNECTICUT--Supreme Court	6	Nominated by Governor and appointed by General Assembly	8 years	$42,400
DELAWARE--Supreme Court	5	Merit plan†	12 years	$49,000
FLORIDA--Supreme Court	7	Merit plan†	6 years	$48,525
GEORGIA--Supreme Court	7	Merit plan†	6 years	$48,530
HAWAII--Supreme Court	5	Merit plan†	10 years	$45,000
IDAHO--Supreme Court	5	Nonpartisan election	6 years	$38,000
ILLINOIS--Supreme Court	7	Partisan election	10 years	$58,000
INDIANA--Supreme Court	5	Merit plan†	10 years	$42,000 (with $3,000 subsistence allowance)
IOWA--Supreme Court	9	Merit plan†	8 years	$49,000
KANSAS--Supreme Court	7	Merit plan†	6 years	$38,500
KENTUCKY--Supreme Court	7	Nonpartisan election	8 years	$49,000
LOUISIANA--Supreme Court	7	Nonpartisan election	10 years	$61,635
MAINE--Supreme Judicial Court	7	Appointed by Governor and confirmed by legislature	7 years	$34,240
MARYLAND--Court of Appeals	7	Merit plan†	10 years	$56,200
MASSACHUSETTS--Supreme Judicial Court	7	Merit plan†	To age 70	$50,000
MICHIGAN--Supreme Court	7	Nonpartisan election	8 years	$60,500
MINNESOTA--Supreme Court	9	Nonpartisan election	6 years	$56,000
MISSISSIPPI--Supreme Court	9	Partisan election	8 years	$46,000
MISSOURI--Supreme Court	7	Merit plan†	12 years	$50,000
MONTANA--Supreme Court	7	Nonpartisan election	8 years	$40,000
NEBRASKA--Supreme Court	7	Merit plan†	6 years	$43,000
NEVADA--Supreme Court	5	Nonpartisan election	6 years	$47,250
NEW HAMPSHIRE--Supreme Court	5	Appointed by Governor with concurrence of a majority of the members of the Executive Council	To age 70	$40,810
NEW JERSEY--Supreme Court	7	Appointed by Governor with advice and consent of Senate	7 years	$56,000

State and court title	Number of authorized justices	Method of selection of justices (other than Chief Justice)	Term of justices	Salary of justices (other than Chief Justice)
NEW MEXICO--Supreme Court	5	Partisan election	8 years	$38,165
NEW YORK--Court of Appeals	7	Merit plan†	14 years	$72,000
NORTH CAROLINA--Supreme Court ...	7	Partisan election	8 years	$54,288
NORTH DAKOTA--Supreme Court	5	Nonpartisan election	10 years	$39,200
OHIO--Supreme Court	7	Nonpartisan election	6 years	$51,000
OKLAHOMA--Supreme Court	9	Merit plan†	6 years	$48,000
Court of Criminal Appeals	3	Merit plan†	6 years	$48,000
OREGON--Supreme Court	7	Nonpartisan election	6 years	$51,356
PENNSYLVANIA--Supreme Court	7	Partisan election	10 years	$55,000
RHODE ISLAND--Supreme Court	5	Appointed by state legislature in grand committee	Life	$43,572 to $52,286
SOUTH CAROLINA--Supreme Court ...	5	Elected by legislature	10 years	$55,088
SOUTH DAKOTA--Supreme Court	5	Nonpartisan election	8 years	$35,000
TENNESSEE--Supreme Court	5	Partisan election	8 years	$57,799
TEXAS--Supreme Court	9	Partisan election	6 years	$56,700
Court of Criminal Appeals	9	Partisan election	6 years	$56,700
UTAH--Supreme Court	5	Merit plan†	10 years	$38,000
VERMONT--Supreme Court	5	Merit plan†	6 years	$37,630
VIRGINIA--Supreme Court	7	Elected by majority of vote of each house of the General Assembly	12 years	$54,000
WASHINGTON--Supreme Court	9	Nonpartisan election	6 years	$51,500
WEST VIRGINIA--Supreme Court of Appeals	5	Partisan election	12 years	$38,000
WISCONSIN--Supreme Court	7	Nonpartisan election	10 years	$56,016
WYOMING--Supreme Court	5	Merit plan†	8 years	$48,500
AMERICAN SAMOA--Appellate Division of the High Court ..	7	Appointed by the U.S. Secretary of the Interior	Life	$51,244
DISTRICT OF COLUMBIA--Court of Appeals	9	Merit plan†	15 years	$51,750
GUAM	(Does not apply. Guam does not have its own court of last resort.)			
PUERTO RICO--Supreme Court	8	Appointed by Governor and confirmed by Senate	To age 70	$36,000
VIRGIN ISLANDS	(Does not apply. The Virgin Islands do not have their own court of last resort.)			

Key:

† = Justices are selected through a state merit plan. Refer to Tables 11 and 12 for a description of the state merit plan.

Source: State Court Administrators; NCSP staff review of state statutes; National Center for State Courts, Survey of Judicial Salaries, (Williamsburg, Virginia: National Center for State Courts, 1980), Volume 6, Number 1, pp. 4-11; National Court Statistics Project, State Court Caseload Statistics: Annual Reports 1977 and 1978, (Williamsburg, Virginia: National Center for State Courts, 1981).

Table 2: Chief justices of courts of last resort, 1980.
Title, method of selection, term, and salary.

State	Title	Method of selection	Term as Chief Justice	Salary
ALABAMA	Chief Justice	Partisan election	6 years	$42,800
ALASKA	Chief Justice	Court election	3 years	$52,992 to $60,410
ARIZONA	Chief Justice	Court election	5 years	$47,500
ARKANSAS	Chief Justice	Partisan election	8 years	$46,253
CALIFORNIA	Chief Justice	Merit plan†	12 years	$73,723
COLORADO	Chief Justice	Court election	Pleasure of court	$42,500 to $48,400
CONNECTICUT	Chief Justice	Merit plan†	8 years	$46,640
DELAWARE	Chief Justice	Merit plan†	12 years	$49,500
FLORIDA	Chief Justice	Court rotation	2 years	$48,525
GEORGIA	Chief Justice	Court election	Remainder of term as justice	$48,530
HAWAII	Chief Justice	Merit plan†	10 years	$47,500
IDAHO	Chief Justice	Justice with shortest time to serve	Remainder of term as justice	$38,000
ILLINOIS	Chief Justice	Court election	3 years	$58,000
INDIANA	Chief Justice	Merit plan†	5 years	$42,000 (with subsistence allowance)
IOWA	Chief Justice	Court election	Remainder of term as justice	$54,000
KANSAS	Chief Justice	Seniority of service	Remainder of service as a justice	$39,500
KENTUCKY	Chief Justice	Court election	4 years	$50,000
LOUISIANA	Chief Justice	Seniority of service	Remainder of service as a justice	$61,635
MAINE	Chief Justice	Appointed by Governor with consent of Senate	7 years	$35,845
MARYLAND	Chief Judge	Merit plan†	Remainder of service as a judge	$57,800
MASSACHUSETTS	Chief Justice	Merit plan†	Remainder of service as a justice	$52,000
MICHIGAN	Chief Justice	Court election	2 years	$60,500
MINNESOTA	Chief Justice	Nonpartisan election	6 years	$59,000
MISSISSIPPI	Chief Justice	Seniority of service	Remainder of service as a justice	$47,000
MISSOURI	Chief Justice	Court rotation	2 years	$52,500
MONTANA	Chief Justice	Nonpartisan election	8 years	$41,000
NEBRASKA	Chief Justice	Merit plan†	6 years	$43,000
NEVADA	Chief Justice	Justice with the shortest time to serve	2 years	$47,250
NEW HAMPSHIRE	Chief Justice	Appointed by Governor and Executive Council	Remainder of service as a justice	$42,400
NEW JERSEY	Chief Justice	Appointed by Governor with consent of Senate	7 years; reappointed to age 70	$58,500

State	Title	Method of selection	Term as Chief Justice	Salary
NEW MEXICO	Chief Justice	Court election	Remainder of term as justice	$38,165
NEW YORK	Chief Judge	Merit plan†	14 years	$75,000
NORTH CAROLINA	Chief Justice	Partisan election	8 years	$55,440
NORTH DAKOTA	Chief Justice	Elected by supreme and district judges	5 years unless term expires earlier	$40,700
OHIO	Chief Justice	Nonpartisan ballot	6 years	$55,000
OKLAHOMA:				
Supreme Court	Chief Justice	Court rotation	2 years	$48,000
Court of Criminal Appeals	Presiding Judge	Court rotation	2 years	$48,000
OREGON	Chief Justice	Court election	6 years	$52,637
PENNSYLVANIA	Chief Justice	Seniority of service	Remainder of service as a justice	$57,500
RHODE ISLAND	Chief Justice	Appointed by legislature	Life	$44,732 to $53,678
SOUTH CAROLINA	Chief Justice	Elected by legislature	10 years	$62,177
SOUTH DAKOTA	Chief Justice	Court election	4 years	$37,000
TENNESSEE	Chief Justice	Court rotation	Pleasure of court	$62,616
TEXAS:				
Supreme Court	Chief Justice	Partisan election	6 years	$57,200
Court of Criminal Appeals	Presiding Judge	Partisan election	6 years	$57,200
UTAH	Chief Justice	Justice with shortest time to serve	Remainder of term as justice	$38,500
VERMONT	Chief Justice	Appointed by Governor with consent of Senate	6 years	$37,180
VIRGINIA	Chief Justice	Seniority of service	Remainder of service as a justice	$56,500
WASHINGTON	Chief Justice	Justice with shortest time to serve	2 years	$51,500
WEST VIRGINIA	Chief Justice	Court rotation	1 year	$38,000
WISCONSIN	Chief Justice	Seniority of service	Remainder of service as a justice	$63,324
WYOMING	Chief Justice	Court election	Pleasure of court	$48,500
AMERICAN SAMOA	Chief Justice	Appointed by Governor		$60,000
DISTRICT OF COLUMBIA	Chief Justice	Merit plan†	4 years	$52,250
GUAM	(Does not apply.	Guam does not have its own court of last resort.)		
PUERTO RICO	Chief Justice	Appointed by Governor with consent of Senate	To age 70	$36,600
VIRGIN ISLANDS	(Does not apply.	The Virgin Islands do not have their own court of last resort.)		

Key:

† = Chief justice is selected through a state merit plan. Refer to Tables 11 and 12 for a description of the state merit plan.

Source: State Court Administrators; staff review of State Statutes; National Center for State Courts, Survey of Judicial Salaries, (Williamsburg, Virginia: National Center for State Courts, 1980), Volume 6, Number 1, pp. 4-11; National Court Statistics Project, State Court Caseload Statistics: Annual Report 1977-78, (Williamsburg, Virginia: National Center for State Courts, 1981).

Table 3: Judges of intermediate appellate courts, 1980. Name of court, number of court districts, number of authorized judges, method of selection, term, and salary.

State and court title	Number of court districts	Number of authorized judges	Method of selection	Term	Salary
ALABAMA--Court of Criminal Appeals	1	5	Partisan election	6 years	$40,660
Court of Civil Appeals	1	3	Partisan election	6 years	$40,660
ALASKA--Court of Appeals	1	3	Merit plan†	8 years	$69,240
ARIZONA--Court of Appeals	2	12	Merit plan†	6 years	$45,500
ARKANSAS--Court of Appeals	1	6	Partisan election	8 years	$39,803
CALIFORNIA--Courts of Appeal	5	59	Appointed by Governor and confirmed by Commission Judicial Appointments	12 years	$68,303
COLORADO--Court of Appeals	1	10	Merit plan†	8 years	$37,000-$41,500
CONNECTICUT--Appellate Sessions of the Superior Court	1	3[b]	Appointed by Chief Court Administrator from among Superior Court judges	At the pleasure of the Chief Court Administrator	$30,210-$40,810
FLORIDA--District Court of Appeal	5	39	Merit plan†	6 years	$46,063
GEORGIA--Court of Appeals	1	9	Partisan election	6 years	$48,842
HAWAII--Intermediate Court of Appeals	1	3	Merit plan†	10 years	$43,750
IDAHO--Court of Appeals[a]	1	3	Nonpartisan election[c]	6 years[c]	Not established
ILLINOIS--Appellate Court	5	34[f]	Partisan election	10 years[d]	$53,000
INDIANA--Court of Appeals	4	12	Merit plan†	10 years	$42,000 (with $3,000 subsistence allowance)
IOWA--Court of Appeals	1	5	Merit plan†	6 years	$46,500
KANSAS--Court of Appeals	1	7	Merit plan†	4 years	$37,000
KENTUCKY--Court of Appeals	1	14	Nonpartisan ballot	8 years	$47,000
LOUISIANA--Court of Appeal	4	33	Nonpartisan election	10 years	$58,673
MARYLAND--Court of Special Appeals	1	13	Merit plan†	10 years	$53,500
MASSACHUSETTS--Appeals Court	1	10	Merit plan†	To age 70	$47,000
MICHIGAN--Court of Appeals	3	18	Nonpartian election	6 years	$55,550
MISSOURI--Court of Appeals	3	30	Merit plan†	12 years	$47,500
NEW JERSEY--Appellate Division of the Superior Court	1	21	Appointed by Governor with advice and consent of the Senate	7 years	$53,000

State and court title			Method of selection	Term	Salary
NEW MEXICO--Court of Appeals	1	7	Partisan election	8 years	$36,456
NEW YORK--Appellate Divisions of the Supreme Court	4	24	Merit plan†	5 years	$62,000
Appellate Terms of the Supreme Court	3	9[e]	Appointed by Chief Administrator and approved by the Presiding Judge of the Appellate Division	14 years	$58,000
NORTH CAROLINA--Court of Appeals	1	12	Partisan election	8 years	$51,396
OHIO--Court of Appeals	11	44	Nonpartisan election	6 years	$47,000
OKLAHOMA--Court of Appeals	2	6	Nonpartisan election	6 years	$45,000
OREGON--Court of Appeals	1	10	Nonpartisan election	6 years	$50,134
PENNSYLVANIA--Superior Court	1	7	Partisan election	10 years	$53,000
Commonwealth Court	1	9	Partisan election	10 years	$53,000
SOUTH CAROLINA--Court of Appeals[a]	1	5	Elected by legislature	6 years	Not established
TENNESSEE--Court of Appeals	1	12	Popular election	8 years	$52,983
Court of Criminal Appeals	1	9	Popular election	8 years	$52,983
TEXAS--Courts of Civil Appeals	14	51	Partisan election	6 years	$48,200 (CJ) $47,700 (AJ)
WASHINGTON--Court of Appeals	3	16	Nonpartisan election	6 years	$48,100
WISCONSIN--Court of Appeals	4	12	Nonpartisan election	6 years	$51,372

Note: Only states with intermediate appellate courts are included on this table.

Key: CJ = Chief justice
AJ = Associate justice
† = Judges are selected through a state merit plan. Refer to Tables 11 and 12 for a description of the state merit plan.

[a] Court of Appeals has been established by the legislature. It is to be implemented in 1981.

[b] Three judges of the Superior Court of Connecticut are selected to serve as judges of the Appellate Sessions.

[c] Upon implementation of this court, initial judges will be appointed by the governor to staggered terms.

[d] Initial term is 2 years. After retention election, subsequent terms are 10 years.

[e] Nine judges of the Supreme Court, the New York court of general jurisdiction, serve as judges of the Appellate Term.

[f] The Illinois Appellate Court is also served by 7 judges on assignment from the Circuit Court or recalled from retirement.

[g] The New Jersey Appellate Division of the Superior Court has 22 judges authorized but one is designated as the state court administrator.

Source: State Court Administrators; NCSP staff review of state statutes; National Center for State Courts, Survey of Judicial Salaries, (Williamsburg, Virginia: National Center for State Courts, 1980), Volume 6, Number 1, pp. 4-11; National Court Statistics Project, State Court Caseload Statistics: Annual Report 1977 and 78, (Williamsburg, Virginia: National Center for State Court, 1981).

Table 4: Judges of courts of general jurisdiction, 1980. Name of court, number of authorized judges, term, and salary.

State and court title	Number of authorized judges	Term (years)	Salary	
			Base amount	Local supplement
ALABAMA--Circuit Court	113	6	$34,000	$1,200 to $14,000
ALASKA--Superior Court	21	6	$66,900 to $78,608	
ARIZONA--Superior Court	80	4	$43,500	
ARKANSAS--Circuit Court	33	4	$39,441	
Chancery Court and Probate Court	30	6	$39,441	
CALIFORNIA--Superior Court	607	6	$56,915	
COLORADO--District Court	106	6	$33,000 to $38,350	
CONNECTICUT--Superior Court	110	8	$30,210 to $40,810	
DELAWARE— Superior Court	11	12	$46,500 (PJ) $46,000 (AJ)	
Chancery Court	3	12	$46,500 (C) $46,000 (VC)	
FLORIDA--Circuit Court	302	6	$43,709	
GEORGIA--Superior Court	110	4	$41,328	$15,288
HAWAII--Circuit Court	25	10	$42,500	
Land Court	(1 Circuit Court judge serves)			
Tax Appeal Court	(1 Circuit Court judge serves)			
IDAHO--District Court	29	4	$35,000	
	70 M	4	$10,500 to $28,000	
ILLINOIS--Circuit Court	677	6	$50,500	
		4 (AJ)	$45,000	
INDIANA--Circuit Court	88	6	$35,000 to $37,500	
Superior Court	83	6	$35,000 to $37,500	
IOWA--District Court	92 FT; 3 PT	6	$45,500	
	13 AJ	4	$43,500	
	17 judicial M	4	$36,000	
	9 substitute M			
	166 PT M	2	$10,000	
KANSAS--District Court	70	4	$34,750	
	67 (AJ)	4	$32,667	Up to $1,000
	74 M (73.5 FTE)	4	$14,000 to $17,996	
KENTUCKY--Circuit Court	91	8	$45,000	
LOUISIANA--District Court	161	6	$55,712	
MAINE--Superior Court	14	7	$33,705	
MARYLAND--Circuit Court	97	15	$52,500	
MASSACHUSETTS--Superior Court Department	56	Life	$42,500 to $44,500	
Housing Court Department	3	Life	$42,500 to $44,500	
Land Court Department	3	Life	$42,500 to $44,500	
Probate and Family Court Department	33	Life	$42,500 to $44,500	
Boston Municipal Court Department	9	Life	$42,500 to $44,500	
Juvenile Court Department	7	Life	$42,500 to $44,500	
District Court Department	153	Life	$42,500 to $44,500	
MICHIGAN--Circuit Court	147	6	$33,275	$5,500 to $22,710
Recorder's Court of Detroit	26	6	$55,757	
MINNESOTA--District Court	72	6	$48,000	
MISSISSIPPI--Circuit Court	30	4	$41,000	
Chancery Court	35	4	$41,000	
MISSOURI--Circuit Court	131	6	$45,000	
	169 (AJ)		$32,500 to $38,500 (AJ)	
MONTANA--District Court	32	6	$39,000	
NEBRASKA--District Court	45	6	$39,500	Up to $1,500

Table 4: Courts of general jurisdiction--name of state court, number of authorized judges, term, and salary.

State and court title	Number of authorized judges	Term (years)	Salary	
			Base amount	Local supplement
NEVADA--District Court	29	4	$43,000	
NEW HAMPSHIRE--Superior Court	15	Until age 70	$43,590 (CJ) $42,450 (AJ)	
NEW JERSEY--Superior Court	214	Life	$51,500	
NEW MEXICO--District Court	44	6	$35,317	
NEW YORK--Supreme Court	263	14	$58,000	
County Court	104	10	$48,000 to $58,000	
NORTH CAROLINA--Superior Court	66	8	$45,636	
NORTH DAKOTA--District Court	24	6	$36,750	
OHIO--Court of Common Pleas	313	6	$33,000 to $43,500	
OKLAHOMA--District Court	71 district judges	4	$40,000	
	77 associate district judges	4	$30,000 to $36,000	
	50 special judges	No fixed term	$30,000	
OREGON--Circuit Court	75	6	$46,586	
Tax Court	1	6	$47,174	
PENNSYLVANIA--Court of Common Pleas ..	285	10	$47,500 (PRJ) $45,000 (AJ)	
RHODE ISLAND--Superior Court	19	Life	$42,411 to $50,893 (PJ) $41,251 to $49,501 (AJ)	
SOUTH CAROLINA--Circuit Court	31	6	$55,088	
SOUTH DAKOTA--Circuit Court	36 judges	8	$40,000 to $41,000	
	7 FT lawyer M	4	Up to $31,115	
	11 PT lawyer M			
	22 lay M		Up to $12,344	
	65 clerk/M			
TENNESSEE--Circuit Court	58	8	$48,166	
Criminal Court	26	8	$48,166	
Chancery Court	27	8	$48,166	
Law and Equity Court	5	8	$48,166	
TEXAS--District Court	310	4	$40,500	Up to $14,200
UTAH--District Court	24	6	$36,000	
VERMONT--Superior Court	1 (ADJ)	6	$37,630	
	9		$35,550	
	28 (ASJ)	4	$41.50 per day	
VIRGINIA--Circuit Court	111	8	$47,000	
WASHINGTON--Superior Court	118	6	$44,700	
WEST VIRGINIA--Circuit Court	60	8	$38,000	
WISCONSIN--Circit Court	190	6	$49,176	
WYOMING--District Court	15	6	$46,000	
AMERICAN SAMOA--High Court of American Samoa....................	7[a]	4	(Information not available)	
DISTRICT OF COLUMBIA--Superior Court .	44	15	$49,550 (CJ) $49,050 (AJ)	
GUAM--Superior Court	5	8	(Information not available)	
PUERTO RICO--Superior Court	92	12	$30,000	

Key: ADJ = Administrative judge
AJ = Associate judge
ASJ = Assistant judge
C = Chancellor
CJ = Chief judge
FT = Full-time
FTE = Full-time equivalent
M = Magistrate
PJ = Presiding judge
PRJ = President judge
PT = Part-time
VC = Vice chancellor

[a] The general jurisdiction divisions of the High Court of American Samoa are served by 2 justices and "not less than" 5 judges.

Source: State Court Administrators; National Center for State Courts, Survey of Judicial Salaries (Williamsburg, Virginia: July, 1980).

Table 5: Judges of courts of limited or special jurisdiction, 1980. Name of court, number of authorized judges, term, and salary.

State and court title	Number of authorized judges	Term (years)	Salary
ALABAMA--District Court	88	6	$24,750; $11,000 (LS)
Probate Court	67	6	$ 300 to $38,000
Municipal Court	215	4 (FT) 2 (PT)	$ 500 to $33,400
ALASKA--District Court	23 (FT) 46 (PT)	4 (FT) (PT determined by local authorities)	$54,480 to $64,104 $ 8,683 to $45,884
ARIZONA--Justice of the Peace Court	84	4	$8,000 to $20,500
City Magistrate Court	94	Provided by city ordinance	Up to $46,342 (set by Mayor and City Council)
ARKANSAS--Municipal Court	4 (FT) 94 (PT)	4	$ 2,400 to $35,500
County Court	75	2	$ 9,000 to $24,000
Court of Common Pleas	(a)	2	$ 100 to $900[a]
Justice of the Peace Court	2	2	$ 1,200 to $3,600
Police Court	3	2	$ 1,200 to $3,600
City Court	76	2	$ 1,200 to $3,600
CALIFORNIA--Municipal Court	472	6	$52,366
Justice Court	96	6	$42,345
COLORADO--Superior Court	1	6	$42,500
Denver Juvenile Court	3 (PT)	6	$42,500
Denver Probate Court	1	6	$42,500
County Court	108 (89.3 FTE)	4	$ 7,300 to $32,850 ($36,500 in Denver)
Municipal Court	15 (FT) 225 (PT)	Set by local ordinance	Set by local ordinance
CONNECTICUT--Probate Court	130	4	Fees up to $40,810
DELAWARE--Court of Common Pleas	5	12	$45,500 (CJ); $45,000 (AJ)
Family Court	12	12	$45,500 (CJ); $45,000 (AJ)
Municipal Court of Wilmington	3	12	$32,748 (CJ); $31,579 (AJ) $13,684 (AJ--PT)
Alderman's Court	20	Set by local ordinance	Set by local ordinance
Justice of the Peace Court	54[b]	4	$17,000
FLORIDA--County Court	198	4	$41,248
GEORGIA--Probate Court	159	4	$ 7,200 to $44,254
Juvenile Court	48	4	$22,079 to $45,519 (FT) $ 3,000 to $25,620 (PT)
Justice of the Peace Court	1,531	4	(Not available)
State Court	77	4	$15,000 to $44,800 (FT) $ 2,400 to $24,000 (PT)
Small Claims Court	97 (PT)	4[c]	(Not available)
Municipal Court (in Savanah and Columbia)	2	4	Up to $49,779
Magistrate Court	5	4[d]	(Not available)
County Court	2[e]	4	$ 3,600 to $12,000
Civil Court	3	4	(Not available)
Recorder's Court	259 (PT)	(Not available)	(Not available)
Mayor's Court	129 (PT)	(Not available)	(Not available)
City Council Court	6	(Not available)	(Not available)
Criminal Court, Police Court, and Municipal Court (other locations)	(Not available)	(Not available)	(Not available)

State and court title	Number of authorized judges	Term (years)	Salary
HAWAII--District Court	18 (FT)	6	$40,000
INDIANA--County Court	65	4	$30,500
Probate Court	1	6	$35,000 to $37,500
Municipal Court of Marion County	15	4	$35,000 to $37,500
Small Claims Court of Marion County	8	4	(Not available)
City Court	47	4	(Not available)
Town Court	19	4	(Not available)
KANSAS--Municipal Court	1 (FT) 355 (PT)	2	Up to $18,678
KENTUCKY--District Court	123	4	$38,500
LOUISIANA--Juvenile Court	9	6	$55,712
Family Court	3	6	(Not available)
City Court	11 (FT) 49 (PT)	6	$17,600 ($46,060 in New Orleans)
Parish Court	5	6	$35,000 to $49,800
Municipal Court of New Orleans	4 (PT)	8	$17,600
Traffic Court of New Orleans	4 (PT)	8	$17,600
Justice of the Peace Court	376 (PT)	4	$ 1,200 to $1,800
Mayor's Court	250 (PT)	4	(Not available)
MAINE--District Court	20	7	$34,347 (CJ); $33,202 (AJ)
Probate Court	16	4	$34,347 (CJ); $33,202 (AJ)
Administrative Court	2	7	(Not available)
MARYLAND--District Court	87	10	$53,500 (CJ); $45,500 (AJ)
Orphans' Court	66 (PT)	4	$ 600 to $22,500 (PT)
MICHIGAN--District Court	214	6	$29,950; LS up to $20,070
Probate Court	106	6	$29,950 (FT); LS up to $22,675 $9,000 to $18,000 (PT)
Municipal Court	8	4	$ 3,000 to $17,470
Common Pleas Court of Detroit	13	6	$48,659
MINNESOTA--Probate Court	2	6	$48,000
County Court	136	6	$48,000 (Learned in law) $29,500 (Not learned in law)
County Municipal Court	28	6	$48,000
Conciliation Court	(County judges and hearing officers serve.)		
MISSISSIPPI--County Court	13 (FT) 7 (PT)	(Not available)	$ 5,400 to $40,000
Family Court	1	4	$29,000
Justice Court	420	4	Locally set
Municipal Court	150 (PT)	Locally set	Locally set
MONTANA--Justice Court	90	4	Up to $23,000
City Court	100	Indefinite	Variable
Municipal Court	2	4	Set by ordinance
Water Court	(Four District Court judges serve.)		
NEBRASKA--County Court	43	6	$28,500 to $34,450
Municipal Court	13	6	$35,700
Separate Juvenile Court	4	6	$39,500; $1,500 supplement for population exceeding 150,000
Workmen's Compensation Court	5	6	$37,050

Table 5: Judges of courts of limited or special jurisdiction, 1980 (continued)

State and court title	Number of authorized judges	Term (years)	Salary
NEVADA--Justices' Court	60[f]	4	$ 434 to $32,000
Municipal Court	21	18	$ 1,080 to $32,000
NEW HAMPSHIRE--Probate Court	10 (PT)	Until age 70	$13,718
District Court	9 (FT) 75 (PT)	Until age 70	$ 4,100 to $42,450
Municipal Court	5 (SJ) 15 (PT)	Until age 70	$ 600 to $5,100
NEW JERSEY--County District Court	39	(Not available)	
Juvenile and Domestic Relations Court	33	(Not available)	$48,000
Surrogate's Court	21	5	Up to $35,000
Municipal Court	2 (FT) 370 (PT)	3	Up to $40,000
Tax Court	9 (PT)	7	(Not available)
NEW MEXICO--Magistrate Court	11 (FT) 61 (PT)	4	$ 4,830 to $22,329
Municipal Court	96	4	$28,139
Probate Court	32	2	$ 1,000 to $7,040
Small Claims Court of Alburquerque[h]	1	4	
Metropolitan Court of Bernalillo County[h]	11		
NEW YORK--Surrogates' Court	35	10; 14 in NYC	$48,000 to $58,000 ($56,098 in NYC)
Family Court	107	10	$48,000 to $58,000 ($48,603 in NYC)
Civil Court of the City of New York	120	10	$51,000
Criminal Court of the City of New York	98	10	$51,000
District Court	49	6	$49,000 to $54,000
City Court (outside the City of New York)	101 (FT) 60 (PT)	Varies	$43,000 to $50,000
Court of Claims	17 26 (SJ)[i]	9[c]	$58,000 to $62,000 $58,000 (SJ)
Town Justice Court and Village Justice Court	2,424 (PT)	4	$45,496 to $56,098
NORTH CAROLINA--District Court	136	4	$38,412 (CJ); $36,960 (AJ)
NORTH DAKOTA--County Court	36	4	$11,900 to $12,290
County Court with Increased Jurisdiction	17	4	$23,819 to $31,305
County Justice Court	36	4	Up to $7,000
Municipal Court	190	4	Set by each municipality
OHIO--Municipal Court	189	6	$28,750 to $38,750 (FT) $15,000 to $25,000 (PT)
County Court	59 (PT)	6	$ 6,500 to $13,500 (PT)
Mayor's Court	690	Determined by Mayor's political term.	(Not available)
Court of Claims	(Served by Ohio appellate or general jurisdiction judges on temporary assignment.)		

State and court title	Number of authorized judges	Term (years)	Salary
OKLAHOMA--Municipal Criminal Court of Record	6 (FT) 13 (PT)	2	Set by local ordinance
Municipal Court Not of Record	1 (FT) 533 (PT)	2	Set by local ordinance
Court of Bank Review	(Three District Court judges serve.)		
Court of Tax Review	(Three District Court judges serve.)		
Worker's Compensation Court	(Seven District Court judges serve.)		
OREGON--District Court	55	6	$41,757
Justice Court	40	6	$ 1,020 to $16,800
County Court	9	6	(Not available)
Municipal Court	193	(Not available)	$29,664 (FT) $ 2,100 to $22,020 (PT)
PENNSYLVANIA--District Justice Court	555	6	$14,500 to $23,500
Community Court[j]	(j)	10	(Not yet established)
Philadelphia Municipal Court	22	6	$41,500 (PJ); $40,000 (AJ)
Philadelphia Traffic Court	6	6	$22,000 (PJ); $21,000 (AJ)
Pittsburgh Magistrates Court	6	4 (at the pleasure of the mayor)	(Not available)
RHODE ISLAND--Family Court	11	Life	$45,380 to $54,456 (CJ) $44,139 to $52,966 (AJ)
District Court	13	Life	$42,300 to $50,760 (CJ) $41,058 to $49,269 (AJ)
Probate Court	39 (PT)	2	Up to $12,069
Municipal Court	5 (PT)	2	(Not available)
SOUTH CAROLINA--Family Court	46	4	$47,275
Probate Court	46	4	Locally set
Magistrate's Court	330	2 or 4	Locally set
Municipal Court	250	4	Locally set
TENNESSEE--County Court	68	4	Locally set
General Sessions Court	92	8	$ 1,800 to $36,380
Probate Court	2	Locally determined	Locally set
Juvenile Court	6	Locally determined	Locally set
Trial Justice Court	2	8	Locally set
Municipal Court	192	Locally determined	Locally set
TEXAS--County Courts:			
Constitutional County Court	254	4	$ 600 to $61,137
County Court of Law	98	4[k]	$ 5,764 to $59,900
Probate Court	8	(Not available)	$ 5,764 to $54,587
Justice of the Peace Court	972	4	$18,000 to $24,000
Municipal Court	863	2[k]	Up to $34,000
UTAH--Circuit Court	33	6	$32,400
Justice Court	170	4	Varies up to 75% of Circuit Judge's salary ($24,300)
Juvenile Court	9	6	$36,000
VERMONT--District Court	14	6	$35,550
Probate Court	19 (PT)	4	$ 7,290 to $27,6508
VIRGINIA--General District Court	83 (FT) 15 (PT)	6	$42,300
Juvenile and Domestic Relations District Court	65	6	$42,300
WASHINGTON--Municipal Court	206	4	Up to $44,700
District Court	63 (FT) 31 (PT)	4	$35,000
Justice of the Peace Court	2[l]	4	$ 1,500 to $22,500[f]

Table 5: Judges of courts of limited or special jurisdiction, 1980 (continued)

State and court title	Number of authorized judges	Term (years)	Salary
WEST VIRGINIA--Magistrate Court	150	4	$14,000 to $21,000
Municipal Court	54	Locally set	Locally set
WISCONSIN--Municipal Justice Court	216	2 or 4, locally set	Locally set
WYOMING--County Court	4	4	$25,000 to $32,500
Justice of the Peace Court	43 (PT)	4	$ 4,800 to $15,000 (Fixed by Board of County Commissioners)
Municipal Court	77 (PT)	Locally set	Locally set, not to exceed $10,000
AMERICAN SAMOA--District Court	1		$32,000
Village Court	(Associate justices of the High Court of American Samoa serve.)		
PUERTO RICO--District Court	99	8	$24,000
Municipal Court	60	5	$15,000 to $16,000
VIRGIN ISLANDS--Territorial Court of Virgin Islands	6	6	$47,500 (PJ); $45,000 (AJ)

Key: AJ = Associate judge
CJ = Chief judge
FTE = Full-time equivalent
FT = Full-time
LS = Local supplement
PJ = Presiding judge
PT = Part-time
SJ = Special judge

[a] County judges also serve the Arkansas Common Pleas Court and are paid based on case volume.
[b] The Delaware Justice of the Peace Court is served by 53 justices of the peace and 1 chief magistrate.
[c] The term of judges in the Georgia Small Claims Court varies from 1 to 4 years, but is generally 4 years.
[d] In Rockdale County, Georgia, judges of Magistrate Court serve 2-year terms.
[e] One probate judge also serves the Georgia County Court.
[f] Nine justices of the peace in Nevada also serve as Municipal Court judges.
[g] The term for the Nevada Municipal Court is as given unless changed by local ordinance.
[h] The Metropolitan Court of Bernadillo County is to be established on July 1, 1980. The Small Claims Court of Alburquerque will be abolished at that time.
[i] Special judges in the Court of Claims in New York have been appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program. They serve until the termination of their judgeship.
[j] Pennsylvania law provides for the creation of the Community Court but as yet none has been created.
[k] The term is generally as given in these Texas courts, but it can vary.
[l] Judges in the Washington Justice of the Peace Court are considered as full-time if they receive a salary greater than $12,500.

Source: State Court Administrators.

Table 6: Qualifications of appellate justices and judges, 1980. U.S. citizenship, legal training and licensing, residency, age, and legal experience.

State	U.S. citizenship	Law degree	Admitted to state bar[a]	Residency requirement prior to serving (years)		Age requirements:	Legal experience
				State	District		
ALABAMA	Yes	Yes	Yes	5		over 25	
ALASKA	Yes	Yes	Yes	3			8 years
ARIZONA	Yes	Yes	Yes	10[b]		over 30	10 years[b]
ARKANSAS	Yes	Yes[c]		2		over 30	8 years
CALIFORNIA	Yes	Yes	Yes			over 28	10 years
COLORADO	Yes	Yes	Yes	1			5 years
CONNECTICUT			Yes				
DELAWARE		Yes					
FLORIDA	Yes	Yes	Yes				
GEORGIA	Yes	Yes		3		over 30	7 years
HAWAII	Yes	Yes	Yes	1			10 years
IDAHO	Yes	Yes	Yes	1		between 30 and 70	
ILLINOIS	Yes	Yes	Yes				
INDIANA	Yes	Yes	Yes	5		over 21	10 years[d]
IOWA	Yes	Yes	Yes				
KANSAS			Yes			over 30	10 years
KENTUCKY	Yes	Yes	Yes	2	2		8 years
LOUISIANA		Yes	Yes	2	2		5 years
MAINE	Yes	Yes[c]					
MARYLAND	Yes	Yes	Yes	5	180 days	over 30	
MASSACHUSETTS	(No qualifications are required by state constitution.)						
MICHIGAN		Yes	Yes			under 70	
MINNESOTA		Yes[c]					
MISSISSIPPI	Yes	Yes	Yes	5		over 30	5 years
MISSOURI	Yes	Yes	Yes	9[e]		over 30	
MONTANA	Yes	Yes	Yes	2			5 years
NEBRASKA	Yes	Yes	Yes	5		over 30	5 years
NEVADA	Yes	Yes	Yes	2		over 25	
NEW HAMPSHIRE	(No qualifications are required by state constitution, statute, or court rule.)						
NEW JERSEY		Yes	Yes	(f)	(f)	over 28	10 years
NEW MEXICO	Yes	Yes[c]		3		over 30	3 years
NEW YORK	Yes	Yes	Yes			over 18	10 years
NORTH CAROLINA	Yes	Yes	Yes	1 month		over 21	
NORTH DAKOTA	Yes	Yes[c]					
OHIO	Yes	Yes	Yes	1			6 years

State	U.S. citizenship	Law degree	Admitted to state bar[a]	Residency requirement prior to serving (years) State	Residency requirement prior to serving (years) District	Age requirements	Legal experience
OKLAHOMA	Yes	Yes	Yes	1	1	over 30	5 years[h]
OREGON	Yes	Yes	Yes	3		over 18	
PENNSYLVANIA	Yes	Yes	Yes	1		over 21	
RHODE ISLAND	Yes			2		over 21	
SOUTH CAROLINA	Yes	Yes	Yes	5		over 26	5 years
SOUTH DAKOTA	Yes	Yes	Yes	1		over 18	
TENNESSEE		Yes	Yes	5		between 35 and 70	
TEXAS	Yes		Yes			over 35	10 years
UTAH		Yes[c]	Yes	5		over 30	Experience required
VERMONT	Yes	Yes	Yes				5 years[g]
VIRGINIA	Yes	Yes	Yes				5 years
WASHINGTON	Yes	Yes	Yes	1		over 21	
WEST VIRGINIA	Yes	Yes		5		over 30	10 years
WISCONSIN	Yes	Yes	Yes	6 months		between 25 and 70	5 years
WYOMING	Yes	Yes[c]		3		over 30	9 years
AMERICAN SAMOA	(Information not available)						
DISTRICT OF COLUMBIA	Yes	Yes	Yes		90 days		5 years
GUAM	(Information not available)						
PUERTO RICO	Yes	Yes		5			10 years
VIRGIN ISLANDS	(Information not available)						

Note: This table lists only qualifications required by constitution, statute, or court rule.

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[a] Requirement may also specify number of years as member of the bar.

[b] For the Alaska Court of Appeals, the intermediate appellate court, 5 years minimum residency and 5 years legal experience are required. Figures given on the table are for the Supreme Court.

[c] Requirement is that justices must be "learned in the law."

[d] Justice must have been a member of state bar for 10 years or a trial judge for 5 years.

[e] Figure shows required number of years as a qualified voter.

[f] Residence or principle law office in the state is required.

[g] Justice must have 5 out of 10 years legal experience as practicing attorney or judge preceding appointment or election.

[h] The figure given for required legal experience in Oklahoma is for the Supreme Court and Court of Criminal Appeals. Only 4 years of legal experience is required for a judge on the Court of Appeals.

Sources: Council of State governments, State Court Systems (Lexington, Kentucky: Council of State governments, May, 1978) pages 6 and 7. American Bar Association--National Center for State Courts, Implementation of Standards for Judicial Administration Project, State Court Organization Profile series (Williamsburg, Virginia: National Center for State Courts, 1977-1980); NCSP staff review of state statutes; State Court Administrators.

Table 7: Qualifications of judges of general jurisdiction courts, 1980. U.S. citizenship, legal training and licensing, residency, age, and legal experience.

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years)		Age requirements	Legal experience (years)
				State	District		
ALABAMA			Yes		1	Under 70	
ALASKA	Yes(5)		Yes	5			5
ARIZONA	Yes	Yes	Yes	5		30 or over	5
ARKANSAS	Yes		Yes	2		28 or over	6
CALIFORNIA			Yes(10)				
COLORADO			Yes(5)	(b)	(a)		
CONNECTICUT			Yes				
DELAWARE:							
Court of Chancery		Yes		(a)			
Superior Court		Yes		(a)	(c)		
FLORIDA			Yes(5)	(b)	(a)	Under 70	5
GEORGIA			Yes	3		30 or over	7
HAWAII			Yes				10
IDAHO:							
District Court:							
Judges			Yes	(b)		30 to 70	5
Magistrates					(b,d)		
ILLINOIS	Yes		Yes	(a)	(a)		
INDIANA			Yes	(a)	(a)		
IOWA:							
District Court:							
Judges			Yes		(a)		
Associate judges			Yes				
Judicial magistrates		Yes[e]		(b)		Under 72	
KANSAS:							
District Court:							
Judges			Yes		(a)	30 or over	5
Associate judges			Yes		(a)	30 or over	5
Magistrates		Yes[f]			(a)		
KENTUCKY	Yes		Yes	2	2		8
LOUISIANA		Yes	Yes(5)	2	2		5
MAINE	Yes	(g)					
MARYLAND		Yes	Yes	5[b]	6 months	30 or over	
MASSACHUSETTS	(No qualifications are required by state constitution.)						
MICHIGAN		Yes	Yes	(b)	(b)	Under 70	
MINNESOTA		(g)			(a)		
MISSISSIPPI			Yes(5)	5		26 or over	5
MISSOURI:							
Circuit Court:							
Judges	Yes(10)		Yes	3[b]	1	30 or over	
Associate judges			Yes	(b)	(a)	25 or over	
MONTANA	Yes	Yes	Yes(5)	2	(a)		5[h]
NEBRASKA	Yes	Yes	Yes		(a,b)	30 or over	5
NEVADA			Yes	2		25 or over	
NEW HAMPSHIRE	(No qualifications are required by state constitution, statute, or court rule.)						
NEW JERSEY			Yes(10)				10
NEW MEXICO		(g)	Yes(3)	3		30 or over	3
NEW YORK:							
Supreme Court			Yes(10)				10
County Court			Yes(5)				5
NORTH CAROLINA	Yes	Yes	Yes	1 month	1 month	21 or over	
NORTH DAKOTA	Yes	(g)		(a)			
OHIO		Yes	Yes		(a)		6[i]

State and court name	U.S. citizen-ship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years) State	District	Age require-ments	Legal experi-ence (years)
OKLAHOMA			Yes	6	6[b]		4[j]
OREGON			Yes	3	1		
PENNSYLVANIA			Yes		1		
RHODE ISLAND	Yes		Yes			21 or over	
SOUTH CAROLINA	Yes	Yes	Yes	5	1	26 or over	5
SOUTH DAKOTA	Yes		Yes[k]	(a)	(b)		
TENNESSEE			Yes	5	(a)	30 or over	
TEXAS	Yes		Yes	2	2	25 or over	4
UTAH			Yes	3	(a)	25 or over	
VERMONT[l]			Yes				5
VIRGINIA			Yes(5)	(a)	(a)		5
WASHINGTON			Yes				
WEST VIRGINIA			Yes	5		30 or over	5
WISCONSIN	Yes	Yes	Yes	(b)	(a)	25 to 70	5
WYOMING	Yes		Yes	2		28 or over	
AMERICAN SAMOA		(m)					
DISTRICT OF COLUMBIA	Yes	Yes	Yes		90 days		5
GUAM			Yes				6 months
PUERTO RICO			Yes			25 or over	5

Note: This table lists only qualifications required by constitution, statute, or court rule.

[a] The only residency requirement is that the person be a resident of the area during his term with no specification of the time period.

[b] The person is required to be a qualified voter of the area.

[c] At least one of the Delaware Superior Court judges must live in each of the state's three counties.

[d] The residency requirement for Idaho District Court magistrates may be waived if no qualified resident voter is available. Magistrates must also have a high school diploma or equivalency degree and have attended an institute on the duties and functions of a magistrate's office.

[e] The requirement that magistrates of the Iowa District Court be licensed to practice law applies only to those serving full-time, however, licensed attorneys must be considered first.

[f] Magistrates of the Kansas District Court can substitute certification by the Kansas Supreme Court for the requirement that they be lawyers. They must also be a high school graduate or its equivalent.

[g] Judge must be "learned in the law."

[h] Judges in the Small Claims Division of the Montana District Court are not required to have a specific number of years of legal experience.

[i] Judges of the Ohio Court of Common Pleas may substitute service as a judge in a court of record for the required legal experience.

[j] Associate judges of the Oklahoma District Court appointed after July 15, 1974 are required to have 2 years legal experience.

[k] Lay magistrates of the South Dakota Circuit Court are not required to be members of the state bar. However, they must have a high school education and attend a training course supervised by the South Dakota Supreme Court before taking office.

[l] Requirements given for the Vermont Superior Court apply only to judges. There are no qualifications set by statute for assistant judges.

[m] The only statutory requirement for justices that serve the High Court of American Samoa is that they be learned in the law.

Sources: Council of State Governments, State Court Systems (Lexington, Kentucky: Council of State Governments, May, 1978); American Bar Association--National Center for State Courts, Implementation of Standards for Judicial Administration Project, State Court Organization Profile series (Williamsburg, Virginia: National Center for State Courts, 1977-1980); NCSP staff review of state statutes; State Court Administrators.

Table 8: Qualifications of judges of limited or special jurisdiction courts, 1980. U.S. citizenship, legal training and licensing, residency, age, and legal experience.

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years) State	Residency requirement prior to serving (years) District	Age requirements	Legal experience (years)
ALABAMA:							
District Court.......			Yes		1		
Probate Court........				(a)	1		
Municipal Court......			Yes	(b)			
ALASKA:							
District Court.......	Yes		Yes	5[c]		21 or over	3
ARIZONA:							
Justice of the Peace Court[d]	Yes			(a)	(b)	18 or over	
City Magistrate Court					(b)		
	(Other requirements for judges serving court are set by locality.)						
ARKANSAS:							
Municipal Court......			Yes	2		25 or over	6
County Court[e]........	Yes			2	(a)	25 or over	
Court of Common Pleas[e]..............	Yes			2	(a)	25 or over	
Justice of the Peace Court					(a,b)		
Police Court.........					(a,b)		
City Court...........	(Person who is either a qualified voter or a licensed attorney may serve this court in place of the mayor.)						
CALIFORNIA:							
Municipal Court			Yes(5)		54 days[b]		
Justice Court		Yes			(a)		
COLORADO:							
Denver Superior Court			Yes(5)	(b)	(a)		
Denver Juvenile Court			Yes(5)	(b)	(a)		
Denver Probate Court			Yes(5)		(a,b)		
County Court........			Yes[f]		(a,b)		
Municipal Court		Preferred	Preferred				
CONNECTICUT:							
Probate Court........					(b)		
DELAWARE:							
Family Court.........		Yes					5
Court of Common Pleas...............		Yes		Varies	Varies		5
Municipal Court of Wilmington.......		Yes					5
Justice of the Peace Court..........					(a)	21 or over	
Alderman's Court.....				(Locally established.)		18 or over	
FLORIDA:							
County Court.........			Yes[g]	(b)	(a)	Under 70	5

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years)		Age requirements	Legal experience (years)
				State	District		
GEORGIA:							
Probate Court:							
(less than 100,000 population)........				(a,b)		21 or over	
(over 100,000 population)........						30 or over	3[h]
Juvenile Court.......				3		30 or over	3
Justice of the Peace Court.........					3[i] months		
State Court..........			Yes				3
Small Claims Court...		Varies			(a)	21 or over	
Municipal Court......					(a)	25 or over	5
Magistrate Court.....	(Requirements for judges serving this court vary from county to county.)						
County Court.........					2	25 or over	
Civil Court..........					(b)	25[j] or over	5
All other courts.....	(Requirements for judges serving this court vary, but usually include residency and age specifications.)						
HAWAII:							
District Court.....			Yes(5)		(a)		5
INDIANA:							
County Court.........	Yes		Yes	(a)		Under 70[k]	
Probate Court........			Yes	(a)	(a)		
Municipal Court of Marion County....	Yes				3		5[l]
Small Claims Court of Marion County..............	Yes	Yes[m]		1	1		
City Court...........	(There are no statutory requirements set for judges serving this court.)						
Town Court...........	(There are no statutory requirements set for judges serving this court.)						
KANSAS:							
Municipal Court......			Yes[n]	(a,n)		18 or over	
KENTUCKY:							
District Court.......	Yes		Yes	2	2		2
LOUISIANA:							
City Court...........		Yes	Yes (5)	2	2		5
Parish Court.........		Yes	Yes (5)	2	2		5
Municipal Court of New Orleans......			Yes (5)		(b)		5
Traffic Court of New Orleans......			Yes (5)		(b)		5
Mayor's Court........					2, (b)		
Family Court.........		Yes	Yes (5)	2	2		5
Juvenile Court.......		Yes	Yes (5)	2	2		5
MAINE:							
District Court.......			Yes		(a)		
Probate Court........			Yes		(a)		
Administrative Court...............			Yes		(a)		

Table 8: Qualifications of judges of limited or special jurisdiction courts, 1980 (continued)

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years) State	Residency requirement prior to serving (years) District	Age requirements	Legal experience (years)
MARYLAND:							
District Court		Yes	Yes	5[b]	6 months	30 or over	
Orphans' Court				Citizen	1		
MICHIGAN:							
District Court		Yes	Yes	(b)	(b)	Under 70	
Probate Court		Yes	Yes	(b)	(b)	Under 70	
Municipal Court		Yes	Yes	(b)	(b)	Under 70	
Common Pleas Court of Detroit		Yes	Yes	(b)	(b)	Under 70	
MINNESOTA:							
Probate Court		Yes					
County Court		(o)				(a)	
County Municipal Court		(o)	Yes			(a)	
Conciliation Court	(This court is served by hearing officers and County Court judges.)						
MISSISSIPPI:							
County Court		Yes		5		25 or over	Yes
Family Court		Yes		5		25 or over	Yes
Justice Court		Yes[p]			2		
Municipal Court[q]		Yes			(b)		
MONTANA:							
Justice of the Peace Court					(a)		
City Court					2[a], (b)		
Municipal Court		Yes(2)		2	(a,b)		
Water Court	(This court is served by judges of the District Court.)						
NEBRASKA:							
County Court	Yes			3	(a,b)	30 or over	
Separate Juvenile Court	Yes	Yes	Yes		(a,b)	30 or over	5
Municipal Court	Yes	Yes	Yes		(a,b)	30 or over	5
Workmen's Compensation Court	Yes	Yes	Yes		(a,b)	30 or over	5
NEVADA:							
Justices' Court		(r)			(b)		
Municipal Court		(r)					
NEW HAMPSHIRE:							
Probate Court	(There are no constitutional or statutory requirements set for judges serving this court.)						
District Court			Yes[s]		(a)		
Municipal Court		(t)					
NEW JERSEY:							
County District Court			Yes (10)				10
Juvenile and Domestic Relations Court			Yes[u](10)				10[u]
Tax Court			Yes				10
NEW MEXICO:							
Magistrate Court			Yes[v]		(a,b)		
Municipal Court	(Qualifications for judges serving this court are set locally.)						
Probate Court	Yes			1			
Small Claims Court of Alburquerque			Yes		2	25 or over	2
Metropolitan Court			Yes				

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years) State	Residency requirement prior to serving (years) District	Age requirements	Legal experience (years)
NEW YORK:							
Surrogate's Court....			Yes(10)[w]				
Family Court.........			Yes(10)[w]				
Civil Court of the City of New York....			Yes				10
Criminal Court of the City of New York....			Yes				10
District Court.......			Yes				5
City Court...........			Yes				5
Court of Claims......			Yes				10
Town Justice Court and Village Justice Court................		(x)					10
NORTH CAROLINA:							
District Court.......					1 month		
NORTH DAKOTA:							
County Court.........					(a)		
County Court with Increased Jurisdiction.............		(y)					
County Justice Court................			Yes				
Municipal Court......		Yes[z]			9 months[b],[z]		
OHIO:							
Municipal Court......			Yes		(a)		6[aa]
County Court.........			Yes		(a,b)		2
Mayor's Court........	(This court is served by the mayor and qualifications are set for that office.)						
Court of Claims......	(This court is served by active or retired judges of the Supreme Court, Court of Appeals, or Court of Common Pleas on temporary assignment.)						
OKLAHOMA:							
Municipal Court of Record..............			Yes	6	6[b]		2
Municipal Court Not of Record...........			Yes[bb]				
Workers' Compensation Court..........			Yes(5)				
Court of Tax Review..	(This court is served by District Court judges.)						
Court of Bank Review.	(This court is served by District Court judges.)						...
OREGON:							
District Court.......			Yes	3	1		
Justice Court........					6 months (b)		
County Court.........					1,(b)		
Municipal Court......	(No requirements are set for judges serving this court, but many are attorneys.)						
PENNSYLVANIA:							
Community Court......	Yes				(a)		
Philadelphia Municipal Court.....			Yes		1		
Philadelphia Traffic Court.......	Yes				1		
Pittsburgh Magistrates Court......	Yes				1		
District Justice Court...............	Yes				1		

Table 8: Qualifications of judges of limited or special jurisdiction courts, 1980 (continued)

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years)		Age requirements	Legal experience (years)
				State	District		
RHODE ISLAND:							
Family Court	Yes					21 or over	
District Court			Yes				
Probate Court			Yes				
Municipal Court	(Qualifications for judges serving this court are set locally.)						
SOUTH CAROLINA:							
Family Court	Yes	Yes	Yes(5)	5	1	26 or over	5
Probate Court					(b)		
Magistrate's Court	(There are no statutory requirements set for judges of this court.)						
Municipal Court	(There are no statutory requirements set for judges of this court.)						
TENNESSEE:							
County Court				5	1	30 or over	
General Sessions Court		Yes[cc]		5	1	30 or over	
Probate Court							
Juvenile Court	(Requirements for judges serving this court vary according to the act creating each individual court.)						
Trial Justice Court				5	1	30 or over	
Municipal Court			Yes				
	(Other requirements for judges serving this court vary from locality to locality.)						
TEXAS:							
County Court	(Requirements for judges serving this court vary according to the statute creating the court. Some include 2 to 5 years legal experience and residency in the county.)						
Justice of the Peace Court	(There are no formal requirements set for judges serving this court.)						
Municipal Court	(Requirements for judges serving this court vary according to local ordinance. However, all judges in courts of record must be licensed attorneys.)						
UTAH:							
Circuit Court			Yes	3	(a)	25 or over	
Justice Court					(b)		
Juvenile Court			Yes				
VERMONT:							
District Court			Yes				5
Probate Court	(Judges serving this court are not required by statute to be attorneys, however, in practice, half of them are.)						
VIRGINIA:							
General District Court			Yes		(a)		
Juvenile and Domestic Relations Court			Yes		(a)		
WASHINGTON:							
Justice of the Peace Court	Yes	Yes[dd]			(b)		
District Court			Yes[ee]		(b)		
Municipal Court		Yes[ff]					
WEST VIRGINIA:							
Magistrate Court		No[gg]				21 or over	
Municipal Court				5		30 or over	
WISCONSIN:							
Municipal Justice Court		No					
WYOMING:							
County Court			Yes		(b)		
Justice of the Peach Court					(b)		
Municipal Court					(a,b)		

State and court name	U.S. citizenship	Law degree	Admitted to state bar (years)	Residency requirement prior to serving (years)		Age requirements	Legal experience (years)
				State	District		
AMERICAN SAMOA:							
District Court......		(hh)					
Village Court.......	(This court is served by justices of the High Court of American Samoa.)						
PUERTO RICO:							
District Court......			Yes			21 or over	3
Municipal Court.....			Yes			21 or over	
VIRGIN ISLANDS:							
Territorial Court of the Virgin Islands............			Yes				5

NOTE: This table lists only qualifications required by constitution, statute, or court rule.

[a] The only residency requirements is that the person be a resident with no specification of the time period.

[b] The person is required to be a qualified voter of the area.

[c] Magistrates of the Alaska District Court must have been residents of the state for 6 months preceeding their appointment.

[d] Arizona Justices of the Peace are also required to be able to read and write English.

[e] Arkansas County Court and Court of Common Pleas judges are also required to have a business education.

[f] County Court judges in Class C and D counties in Colorado need not be admitted to the bar but they must be high school graduates or have certificates of equivalency. Nonlawyers judges must attend the institute on the duties and functioning of the County Court.

[g] Admission to the Florida state bar is waived for County Court judges in counties have less than 40,000 population.

[h] Georgia Probate Court judges in counties with over 100,000 population may substitute 5 years experience as Probate Court clerk for the 3 years legal experience requirement.

[i] Georgia Justices of the Peace Court judges must also have been residents of the county for at least 2 years preceeding election.

[j] Civil Court judges in Bibb County, Georgia must be at least 25 years of age. No other county has this requirement.

[k] Indiana County Court judges must be under 70 years of age at the start of their terms.

[l] Judges of the Municipal Court of Marion County, Indiana must also have 3 years legal experience in Marion County.

[m] The requirement for judges of the Small Claims Court of Marion County, Indiana, to have a law degree may be waived if the person had been a justice of the peace for at least one year prior to December 31, 1965.

[n] Only Kansas Municipal Court judges in first class cities are required to be attorneys. The residency requirement is waived for all judges in first class cities with mayor/council governments.

[o] Judges in the Minnesota County Court must be "learned in the law." This requirement is waived for lay judges who were already in office in 1973.

[p] The requirement for legal education for judges of the Mississippi Justice Court may be waived, but, if so, the judge is required to attend an 18-hour seminar conducted by the attorney general. A high school diploma is also required.

[q] The Municipal Court in Mississippi may also be served by the justice court judge whose district lies in whole or in part in the municipality, or by the mayor or mayor pro tempore who serves as ex officio judge.

[r] Judges of the Nevada Justices' Court and Municipal Court must attend a required course of instruction upon election.

[s] Judges of the New Hampshire District Court must be "learned, able and discreet person(s) specially qualified by training and experience for the performance of his (their) duties." Where possible, members of the bar are chosen.

[t] New Hampshire Municipal Court judges are only required to be "learned, able, and discreet."

[u] Requirements for judges of the New Jersey Juvenile and Domestic Relations Court to have been admitted to the state bar for 10 years applies to only those judges appointed after July 24, 1970.

[v] Judges of the New Mexico Magistrate Court in districts with population under 100,000 need not be members of the bar, but they must have a high school or equivalent education.

[w] County Court judges serving the New York Surrogate's Court or Family Court need only have been admitted to the bar for 5 years.

[x] Judges of the New York Town Justice Court and Village Justice Court need not be attorneys, but, if they are not, they must complete a course of training and education.

[y] Judges of the North Dakota County Court with Increased Jurisdiction must be "learned in the law."

Table 8: Qualifications of judges of limited or special jurisdiction courts, 1980 (continued)

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[z] In cities with a population under 3,000, the judge of the North Dakota Municipal Court is not required to be an attorney or to be a resident of the city. In larger cities, the law degree requirement may be waived if no lawyer is available.

[aa] Judges of the Ohio Municipal Court may substitute service as a judge in a court of record for the required legal experience.

[bb] Judges of the Oklahoma Municipal Court Not of Record in cities having less the 7,500 population need not be law trained if no licensed attorney resides in the county in which the city is located.

[cc] Judges of the Tennessee General Sessions Court are required to be attornyes in only two counties of the state.

[dd] Washington justices of the Peace who hear cases involving dollar amounts between $300 and $1,000 must be attorneys; others are not required to be.

[ee] Judges of the Washington District Court may substitute experience as a justice of the peace or judge of Municipal Court for the required legal education and bar membership, or, if their district has under 10,000 population, may have taken and passed a qualifying examination for office.

[ff] Qualifications for judges of the Washington Municipal Court vary from location to location. In all cities over 5,000 population, they are required to be attorneys unless they are also justices of the peace.

[gg] The West Virginia Constitution prohibits a requirement that magistrates be attorneys. However, prior to assuming office they must complete a course of intruction in rudimentary principles of law as prescribed by the Supreme Court.

[hh] Judges of the American Samoa District Court must be learned in the law.

Sources: Council of State Governments, State Court System (Lexington, Kentucky: Council of State government, May, 1978); American Bar Association--National Center for State Courts, Implementation of Standards for Judicial Administration Project, State Court Organization Profile series (Williamsburg, Virginia: National Center for State Courts, 1977-1980); NCSP staff review of state statutes; State Court Administrators.

Table 9: Authorized judgeships in trial courts, 1980. 1980 population, number of authorized judges and population served per judge by trial court level.

		Courts of general jurisdiction		Courts of limited/ special jurisdicion		All trial courts	
State	1980 population in thousands	Number of authorized judges	Population per judge	Number of authorized judges	Population per judge	Number of authorized judges	Population per judge
ALABAMA	3,890	113	34,400	370	10,500	483	8,100
ALASKA	400	21	19,100	69	5,800	90	4,400
ARIZONA	2,718	80	34,000	178	15,300	258	10,500
ARKANSAS	2,286	63	36,300	254	9,000	317	7,200
CALIFORNIA	23,669	607	39,000	568	41,700	1,175	20,100
COLORADO	2,889	106	27,300	353	8,200	459	6,300
CONNECTICUT	3,108	110	28,300	130	23,900	240	12,900
DELAWARE	595	14	42,500	94	6,300	108	5,500
FLORIDA	9,740	302	32,300	198	49,200	500	19,500
GEORGIA	5,464	110	49,700	2,318†	†	2,428†	†
HAWAII	965	25	38,600	18	53,600	43	22,400
IDAHO	944	99	9,500	0	--	99	9,500
ILLINOIS	11,418	677	16,900	0	--	677	16,900
INDIANA	5,490	171	32,100	155	35,400	326	16,800
IOWA	2,913	300	9,700	0	--	300	9,700
KANSAS	2,363	211	11,200	356	6,600	567	4,200
KENTUCKY	3,661	91	40,200	123	29,800	214	17,100
LOUISIANA	4,204	161	26,100	711	5,900	872	4,800
MAINE	1,125	14	80,300	38	29,600	52	21,600
MARYLAND	4,216	97	43,500	153	27,600	250	16,900
MASSACHUSETTS	5,737	264	21,700	0	--	264	21,700
MICHIGAN	9,258	173	53,500	341	27,200	514	18,012
MINNESOTA	4,077	72	56,600	166	24,600	238	17,100
MISSISSIPPI	2,521	65	38,800	591	4,300	656	3,800
MISSOURI	4,917	300	16,400	0	--	300	16,400
MONTANA	787	32	24,600	192	4,100	224	3,500
NEBRASKA	1,570	45	34,900	65	24,200	110	14,300
NEVADA	799	29	27,600	81	9,900	110	7,300
NEW HAMPSHIRE	921	15	61,400	114	8,100	129	7,100
NEW JERSEY	7,364	214	34,400	474	15,500	688	10,700

State	1980 population in thousands	Courts of general jurisdiction		Courts of limited/ special jurisdicion		All trial courts	
		Number of authorized judges	Population per judge	Number of authorized judges	Population per judge	Number of authorized judges	Population per judge
NEW MEXICO	1,300	44	29,500	201	6,500	245	5,300
NEW YORK	17,557	367	47,800	3,037	5,800	3,404	5,200
NORTH CAROLINA	5,874	66	89,000	136	43,200	202	29,100
NORTH DAKOTA	653	24	27,200	279	2,300	303	2,200
OHIO	10,797	313	34,500	938	11,500	1,251	8,600
OKLAHOMA	3,025	198	15,300	553	5,500	751	4,000
OREGON	2,633	76	34,600	297	8,900	373	7,100
PENNSYLVANIA	11,867	285	41,600	589	20,100	874	13,600
RHODE ISLAND	947	19	49,900	68	13,900	87	10,900
SOUTH CAROLINA	3,119	31	100,600	672	4,600	703	4,400
SOUTH DAKOTA	690	141	4,900	0	--	141	4,900
TENNESSEE	4,591	116	39,900	362	12,700	478	9,600
TEXAS	14,228	310	45,900	2,195	6,500	2,505	5,700
UTAH	1,461	24	60,900	212	6,900	236	6,200
VERMONT	511	38	13,500	33	15,500	71	7,200
VIRGINIA	5,346	111	48,200	163	32,800	274	19,500
WASHINGTON	4,130	118	35,000	208	19,900	326	12,700
WEST VIRGINIA	1,950	60	32,500	204	9,700	264	7,400
WISCONSIN	4,705	190	24,800	216	21,800	406	11,600
WYOMING	471	15	31,400	124	3,800	139	3,400
AMERICAN SAMOA	31*	7	4,400	1	31,000	8	3,900
DISTRICT OF COLUMBIA	638	44	14,500	0	--	44	14,500
GUAM	114*	5	22,800	0	--	5	22,800
PUERTO RICO	3,358*	92	36,500	159	21,100	251	13,400
VIRGIN ISLANDS	96*	0	--	6	16,000	6	16,000
TOTAL--States only	225,867	7,127	31,700	18,597†	12,100†	25,724†	8,800†
TOTAL--States and territories	230,104	7,275	31,600	18,763†	12,300†	26,038†	8,800†

Note: See Tables 4 and 5 for descriptions of judicial officers included for each state.

*Population figures given for these jurisdictions are estimates of the 1978 population.

† Data from the limited jurisdiction courts in Georgia do not include judges of the Criminal Court, Police Court, or Municipal Court (other than the Municipal Court located in Savannah and Columbia). These data therefore are not included in any of the total figures, either, affecting the population per judge figures reported. The true population per judge figures would be slightly lower than those given on the chart.

Source: Bureau of the Census, Current Population Reports; State Court Administrators

Table 10: Judicial selection, 1980.
Method of initial selection and filling of interim vacancies.

State and court title	Method of initial judicial selection: Popular election	Appointment by:	Merit plan[b]	Method of filling interim vacancies
ALABAMA:				
All judges except Municipal Court judges	Partisan			Merit selection in 15 Counties; Governor appoints until next general election in all other counties
Municipal Court judges		Local governing body		Same as initial selection
ALASKA:				
All judges			X	Same as initial selection
Magistrates		Presiding judge of judicial district		Same as initial selection
ARIZONA:				
Appellate court judges			X	Same as initial selection
Superior Court judges in counties with at least 150,000 population			X	Same as initial selection
All other Superior Court judges	Nonpartisan			Governor appoints until next general election
Justices of Peace	Partisan			County Board of Supervisors appoint for balance of term
City and Town Magistrates in Tucson			X	Appointed by mayor
City and Town Magistrates in cities other than Tucson		Determined by local governing body		Same as initial selection
ARKANSAS:				
All judges	Partisan			Governor appoints for unexpired term, except: Municipal Court--regular practicing attorneys choose special judge to fill vacancy until election; Police Court--filled by gubernatorial appointment; County Court and Justice of the Peace Courts--filled by partisan election
CALIFORNIA:				
Appellate court judges		Governor		Same as initial selection
Superior Court judges	Nonpartisan			Appointed by Governor
Municipal Court judges		Governor		Same as initial selection
Justice Court judges		County Board of Supervisors or special election		Same as initial selection
COLORADO:				
All judges except Denver County and Municipal Court judges			X	Same as initial selection
Denver County Court judges		Mayor with a merit plan city council, or town boards		Same as initial selection
Municipal court judges		Council or town boards		Same as initial selection
CONNECTICUT:				
All judges except Probate Court		Legislature		Same as initial selection
Probate court judges	Partisan			Same as initial selection

	Method of initial judicial selection			
State and court title	Popular election	Appointment by:	Merit plan[b]	Method of filling interim
DELAWARE:				
All judges except Alderman's Court			X	Merit selection
Alderman's Court judges		Determined by local governing body		Same as initial selection
FLORIDA:				
Appellate court judges			X	Merit selection
Trial court judges	Nonpartisan			Merit selection
GEORGIA:				
Appellate court judges	Partisan			Appointed by Governor
Superior Court judges	Partisan			Appointed by Governor with a merit plan
Justices of the Peace	Partisan			Special election is held
Probate Court judges	Partisan			Special election is held
Juvenile Court judges		Presiding Superior/ Circuit Judge		Same as initial selection
City Court judges		Governing bodies		Same as initial selection
All other judges		Determined by local governing bodies		Locally determined
HAWAII:				
Appellate court judges			X	Same as initial selection
Circuit Court judges			X	Same as initial selection
District Court judges		Chief Justice using a merit plan		Same as initial selection
IDAHO:				
Appellate Court judges	Non partisan			Appointed by Governor
District Court judges	Non partisan			Appointed by Governor
District Court magistrates		District Magistrate Commission		District Magistrate Commission appoints
ILLINOIS:				
Associate judges		Circuit judges		Same as initial selection
Court of Claims judges		Executive[a]		Same as initial selection
All other judges	Partisan			Appointed by Supreme Court justices
INDIANA:				
Appellate court judges, Superior Court judges of Allen, Lake, St. Joseph, Vanderburgh, and Marion Counties, and Marion County Municipal Court judges			X	Same as initial selection
All other judges	Partisan			Appointed by Governor
IOWA:				
Appellate court judges			X	Same as initial selection
District Court judges			X	Same as initial selection
District Court magistrates		District Court judges using merit plan		Same as initial selection
District Court part-time magistrates		County Judicial Magistrate Appointing		Same as initial selection
KANSAS:				
Appellate court judges			X	Same as initial selection
Trial court judges--23 districts			X	Same as initial selection
Other trial court judges	Partisan			Appointed by Governor
KENTUCKY:				
All judges	Non partisan			Merit selection

Table 10: Judicial selection, 1980 (continued)

State and court title	Method of initial judicial selection			Method of filling interim vacancies
	Popular election	Appointment by:	Merit plan[b]	
LOUISIANA:				
All judges	Partisan			Special election is called by Governor. If remainder of term is less than six months, Supreme Court fills vacancy, except in Mayor's Court, where Board of Alderman appoints
MAINE:				
All judges except Probate Court judges		Governor		Same as initial selection
Probate Court judges	Partisan			Same as initial selection
MARYLAND:				
All judges except Orphan's Court judges			X	Same as initial selection
Orphan's Court judges		Governor		Same as initial selection
MASSACHUSETTS:				
All judges			X	Same as initial selection
MICHIGAN:				
All judges except Municipal Court judges	Non partisan			Appointed by Governor
Municipal Court judges		Determined by local governing body		Same as initial selection
MINNESOTA:				
All judges			X	Appointed by Governor using a merit plan
MISSISSIPPI:				
All judges except City Police Court judges	Partisan			Appointed by Governor until next election
City Police Court judges		Governing authority of municipality		Same as initial selection; Justice Court, appointed County Board of Supervisors
MISSOURI:				
Judges of the Supreme Court, Court of Appeals, Circuit and Probate Courts in St. Louis City and County, and Jackson, Plott, and Clay counties			X	Merit selection
Other Circuit and Probate Court judges	Partisan			Appointed by Governor
Municipal Court judges		Locally determined		Locally determined
MONTANA:				
All judges except Municipal Court judges	Nonpartisan			Appointed by Governor
Municipal Court judges		City Council		Same as initial selection
NEBRASKA:				
All judges			X	Same as initial selection
NEVADA:				
All judges	Nonpartisan			Merit selection; Justice and Municipal Courts, locally determined
NEW HAMPSHIRE:				
All judges		Governor		Same as initial selection; Probate Court, Registrar of Probate appoints from another court
NEW JERSEY:				
All judges except Municipal and Surrogate Court judges		Governor		Same as initial selection; Juvenile and Domestic Relations Court, appointed by Chief Justice of Supreme Court
Municipal Court judges		Governing body		Same as initial selection
Surrogate Court judges		Governor		Same as initial selection
NEW MEXICO:				
All judges	Partisan			Appointed by Governor; Probate Court, appointed by County Commissioners; Municipal Court, appointed by municipal governing body

State and court title	Method of initial judicial selection			Method of filling interim vacancies
	Popular election	Appointment by:	Merit plan[b]	
NEW YORK:				
Appellate court judges			X	Same as initial selection
Supreme Court, County Court, Surrogate's Court, and Family Court (outside New York City) judges	Partisan			Appointed by Governor with advice and consent of Senate if it is in session
Family Court (inside New York City) judges		Mayor using merit plan		Same as initial selection
Court of Claims judges		Governor using merit plan		Same as initial selection
Civil Court for the City of New York judges	Partisan			Appointed by Mayor using merit plan
Criminal Court for New York City judges		Mayor using merit plan		Same as initial selection
District Court judges	Partisan			Appointed by County Board of Supervisors
City Court, Town and Village Court judges		Locally determined		Same as initial selection
NORTH CAROLINA:				
All judges except special judges of the Superior Court	Partisan			Appointed by Governor
Special judges of the Superior Court		Governor		Same as initial selection
NORTH DAKOTA:				
All judges	Non partisan			Merit selection
OHIO				
All judges except Court of Claims & Mayors' Court judges	Non partisan			Appointed by Governor
Court of Claims judge		Chief Justice		Same as initial selection
Mayors Court judges		Locally determined		Locally determined
OKLAHOMA				
Supreme Court and Court of Criminal Appeals Justices			X	Same as initial selection
Court of Appeals	Non partisan			Appointed by Governor
District Court judges	Non partisan			Merit selection
Municipal Court judges		Governing body		Same as initial selection
OREGON:				
All judges except Municipal Court judges	Nonpartisan			Appointed by Governor
Municipal Court judges		Locally determined		Locally determined
PENNSYLVANIA:				
All judges except Pittsburgh Magistrates Court judges	Partisan			Merit selection
Pittsburgh Magistrates Court judges		Mayor		Same as initial selection
RHODE ISLAND:				
Supreme Court justices		Legislature		Same as initial selection
Probate and Municipal Court judges		City Council		Same as initial selection
All other judges		Executive[a]		Same as initial selection
SOUTH CAROLINA:				
Appellate court judges		Legislature		
Circuit Court judges		Legislature		Legislature fills vacancy unless an expired term is less than 1 year, then Governor appoints
Family Court judges		Legislature		Appointed by Governor
Probate Court judges	Partisan			Appointed by Governor
Magistrate Court judges		Governor		State statutes and Constitution do not address this issue
Municipal Court and Master-in-Equity Court judges		Locally determined		Locally determined

Table 10: Judicial selection, 1980 (continued)

State and court title	Method of initial judicial selection			Method of filling interim vacancies
	Popular election	Appointment by:	Merit plan[b]	
SOUTH DAKOTA:				
All judges except magistrates	Nonpartisan			Voluntary merit selection
Magistrates		Presiding Circuit Court judge		Same as initial selection
TENNESSEE:				
All judges except intermediate appellate court judges and some Municipal Court judges	Partisan			Appointed by Governor
Intermediate appellate court judges			X	Same as initial selection
Some Municipal Court judges		Governing body		Same as initial selection
TEXAS:				
All judges except Constitutional County, Municipal, and Justice of the Peace Court judges	Partisan			Appointed by Governor
Constitutional County and Justice of the Peace Court judges	Partisan			Appointed by Commissioners Court
Municipal Court judges		Governing body		Same as initial selection
UTAH:				
Supreme Court, District Court, and Circuit Court judges	Nonpartisan			Merit selection
Juvenile Court judges			X	Same as initial selection
Justice Court judges--town		Determined by local governing body		Appointed by Mayor
Justice Court judges--county	Nonpartisan			Appointed by Chairperson of the County Board of Commissioners
VERMONT:				
All judges except Probate Court judges			X	Same as initial selection
Probate Court judges	Partisan			Succeeded by register of probate
VIRGINIA:				
All judges except substitute District Court judges		Legislature		Same as initial selection
Substitute District Court judges		Chief judge of Circuit		Same as initial selection
WASHINGTON:				
All judges except Municipal Court judges in 2nd, 3rd, and 4th class cities, Justices of the Peace, and District Court judges	Nonpartisan			Appointed by Governor
Municipal Court judges in 2nd, 3rd, and 4th class cities	Nonpartisan			Appointed by Mayor
Justices of the Peace	Nonpartisan			Nearest justice in district assumes position until next election
District Court judges	Nonpartisan			Board of County Commissioners appoint

State and court title	Method of initial judicial selection: Popular election	Appointment by:	Merit plan[b]	Method of filling interim vacancies
WEST VIRGINIA:				
All judges except Magistrate Court and Municipal Court judges	Partisan			Appointed by Governor
Magistrate Court judges	Partisan			Chief judge of Circuit Court appoints
Municipal Court judges		Locally determined		Locally determined
WISCONSIN:				
All judges except Municipal Court judges	Nonpartisan			Appointed by Governor
Municipal Court judges		Determined by local governing body		Special election is held
WYOMING:				
Supreme Court, District Court, County Court, and Juvenile and Domestic Relations Court judges			X	Merit selection
Municipal Court judges		Mayor		Same as initial selection
Justice of the Peace Court		County Board of Commissioners		Appointed by County Board of Commissioners
AMERICAN SAMOA:				
All judges		Appointed by the U.S Secretary of the Interior		Same as initial selection
DISTRICT OF COLUMBIA:				
All judges			X	Same as initial selection
GUAM:				
All judges			X	Same as initial selection
PUERTO RICO:				
All judges		Executive[a]		Same as initial selection
VIRGIN ISLANDS:				
All judges		Executive[a]		Same as initial selectin

x = Affirmative

[a] "Executive" includes the executive officer responsible for administration at the level at issue, e.g., state or county levels--governor; city level-- mayor or city manager.

[b] Details of each specific "merit plan" are given on the following table.

Source: State Court Administrators; Review of state statutes by staff of The American Judicature Society; Implementation of Standards of Judicial Administration Project, State Court Organization Profile Series (Williamsburg, Virginia: National Center for State Courts, 1977, 1978, 1979); Council of State Governments, State Court Systems, Revised 1978

Table 11: Description of merit plans, 1980. Legal basis of plan, year established, use of plan, number of nominees, and type of retention election.

State	Legal basis of plan	Year established	Plan used for appointments		Number of nominees	Type of retention election		
			Initial	Interim		On record[a]	Non-partisan	Partisan
ALABAMA	Constitutional	1950 Jefferson County; 1973 Madison County		X	3			Yes
ALASKA	Constitutional	1956	X	X	2 or more	Yes	Yes	
ARIZONA	Constitutional	1974	Some	Some	3 or more	Yes	Yes	
COLORADO	Constitutional	1967	X	X	3 for appellate 2 to 3 for trial	Yes	Yes	
DELAWARE	Executive order	1977	X	X	At least 3	Yes	Yes	
FLORIDA	Constitutional	1976		X	3 or more	Yes	Yes	
GEORGIA	Executive order	1971 (Amended 1975)		X	5			Yes
HAWAII	Constitutional	1978	X	X	Not less than 6	Yes	Yes[b]	
IDAHO	Statutory	1967		X	2 to 4		Yes	
INDIANA	Constitutional--appellate courts Statutory--Superior and Municipal Courts	1971 (Amended 1973)	X	X	3	Yes	Yes	
IOWA	Constitutional	1962	X	X	3 for appellate	Yes	Yes	
KANSAS	Constitutional--Appellate courts Statutory--3 District Courts	1958 1974	X X	X X	3 2 to 3	Yes Yes	Yes Yes	
KENTUCKY	Constitutional	1976		X	3		Yes	
MARYLAND	Executive order	1970 (Modified 1974 and 1979)	X	X	5 to 7		Yes[c]	
MASSACHUSETTS ...	Executive order	1975 (Modified 1976)	X	X	3			
MISSOURI	Constitutional	1940 (Amended 1970--St. Louis; 1973--Clay and Platt Counties	X	X	3	Yes	Yes	
MONTANA	Statutory	1972		X	3 to 5	Yes[d]	Yes	
NEBRASKA	Constitutional	1962 (Amended 1972)	X	X	2 or more	Yes	Yes	
NEVADA	Constitutional	1976		X	3		Yes	
NEW YORK: Court of Appeals	Constitutional	1977	X	X	7 for chief judge 3 to 5 for associate judges			

State	Legal basis of plan	Year established	Plan used for appointments		Number of nominees	Type of retention election		
			Initial	Interim		On record[a]	Non-partisan	Partisan
NORTH CAROLINA:								
Superior Court.	Executive order	1977		X	3 to 5			Yes
NORTH DAKOTA	Constitutional	1976		X	(Pending implementing legislation)			
OKLAHOMA:								
Appellate courts	Constitutional	1967	X	X	3	Yes	Yes	
Trial courts ..	Statutory	1967		X	3	Yes	Yes	
PENNSYLVANIA	Executive order	1973 (Modified 1975)		X	3	Yes	Yes	
SOUTH DAKOTA	Executive order	1977		X	3 or more		Yes	
TENNESSEE:								
Intermediate appellate courts	Statutory	1971	X	X	3	Yes	Yes	
UTAH	Statutory	1967 (Amended 1969, 1971, 1975)	X	X	3	Yes[d]	Yes	
VERMONT	Constitutional	1966 (Amended 1975)	X	X	As many as the Commission finds fit--no minimum	None[e]		
WISCONSIN	Executive order	1978		X	No limit	No	Yes	
WYOMING	Constitutional	1972	X	X	3	Yes	Yes	
DISTRICT OF COLUMBIA	Statutory	1973	X	X	3	No	No	
GUAM	Statutory	1962	X	X	3	Yes	Yes	

Note: Only courts having a "X" under the "Merit plan" column or noting that a merit selection plan is used to fill interim vacancies in Table 17 are included on this table.

[a] "On record" means that the judge runs uncontested, on his record, for retention in office. The retention election whether or not competitive may be partisan or nonpartisan.

[b] The judge desiring to be retained petitions to the Judicial Selection Commission, which makes the retention decision rather than the electorate.

[c] An incumbent judge eligible for reappointment may have his name submitted by the Commission to the Governor on a list containing fewer than the normally required number of names.

[d] Retention election is on the record unless challenged.

[e] Individual remains in office unless voted out by the General Assembly.

Source: State Court Administrators; Review of state statutes by NCSP staff; Brenda J. Bogan, "Merit Selection of Judges . . .How Is It Working?" (Chicago, Illinois: American Judicature Society, 1979), pp.45-93.

Table 12: Characteristics of judicial nominating commissions, 1980. Selection of commissioners and limitations on their eligibility for holding other offices.

	Method of selection		Offices held by commission members		
				Permitted to hold:	
State and court title	Lay members	Lawyers	Limitations on eligibility for judicial office	Public office†	Party office†
ALABAMA	State senator and representative from appropriate county elect	Appropriate bar association elects	During term	No	No
ALASKA	Governor appoints, legislature confirms	Bar officials appoint	None	No	Yes
ARIZONA:					
All courts except Tucson Municipal Court	Governor appoints, senate confirms	Bar officials nominate, Governor appoints, senate confirms	During term and 1 year after	No	Yes
Municipal Court (Tucson)	Minority and majority political party appoint	County bar association appoints	During term and 1 year after	No	No
COLORADO:					
Supreme Court	Governor appoints	Majority vote of Governor, Attorney General and Chief Justice	During term and 3 years after	No	No
District Court	Governor appoints	Majority vote of Governor Attorney General and Chief Justice	During term and 1 year after	No	No
County Court	Mayor appoints	Mayor appoints	During term and	Yes	Yes
DELAWARE	Governor appoints	Governor appoints 4, state bar association elects 1; all confirmed by senate	During term and 2 years after	No	Yes
FLORIDA:					
Supreme Court, District Court, and Circuit Court	Governor appoints 3 (not specified that they be/not be lawyers); appointed commissioners appoint 3 other commissioners	Bar officials appoint	During term and 2 years after	Yes	Yes
GEORGIA:					
Supreme Court, Court of Appeals, and Superior Court	Governor appoints	President, President elect, and 2 immediate past Presidents of state bar, and President of Young Lawyers Section appoint	None	Yes	Yes
Municipal Court	Mayor appoints	Bar officials appoint	None	Yes	Yes
Other courts	Governor appoints	Bar officials appoint	None	Yes	Yes
HAWAII	Governor appoints; Chief Justice appoints; Senate and Speaker of House appoint (Governor and Chief Justice may each appoint at most 1 lawyer)	Bar officials elect	During term and 3 years after	No	No
IDAHO:					
Supreme Court and District Court	Governor appoints with consent of the senate	Bar officials appoint with consent of the senate	None	No	Yes

State and court title	Method of selection		Offices held by commission members		
				Permitted to hold:	
	Lay members	Lawyers	Limitations on eligibility for judicial office	Public office?	Party office?
IDAHO (continued):					
Magistrates Division of the District Court	Chairman of each Board of County Commission appoint 1 for each county in judicial district; Governor appoints 5, 3 of them being mayors of municipalities in the district	Local bar association nominates and state bar officials appoint (nonvoting members)	None	No	Yes
INDIANA:					
Appellate courts and Superior Court	Governor appoints	Resident lawyers elect	During term and 3 years after	No	No
Municipal Court	Governor appoints, mayor of largest city in county appoints	Resident lawyers elect, Supreme Court appoints	During term	No	No
IOWA:					
Appellate courts	Governor appoints, senate confirms	Bar members of appropriate district elect	During term	No	Yes
District Court	Governor appoints	Bar members of state elect	During term	No	Yes
Judicial Magistrate Court	County board of supervisors appoint	Local county bar elects	During term	Yes	Yes
KANSAS:					
Appellate courts	Governor appoints	All state bar members elect chairman; lawyers from respective congressional districts elect others	During term and 6 months after	No	No
District Court	County commissioners appoint	Lawyers from respective jucicial districts elect	During term	No	No
KENTUCKY:					
Appellate courts	Governor appoints	Bar association members elect	None	No	No
District Court	Governor appoints	Bar from respective districts elect	None	No	No
Circuit Court	Governor appoints	Bar from respective districts elect	None	No	No
MARYLAND:					
Appellate courts	Governor appoints—one from each appellate judicial circuit	Bar members from respective appellate judicial circuit elect	During term	No	No
Trial courts	Governor appoints	Bar members elect	During term	No	No
MASSACHUSETTS	Governor appoints	Governor appoints	None	No	Yes
MISSOURI:					
Appellate courts	Governor appoints	Resident lawyers elect	None	No	No
Circuit court	Governor appoints	Resident lawyers elect	None	No	No
Municipal court	Mayor appoints	Resident laywers elect	None	Yes	Yes
MONTANA	Governor appoints	Supreme Court appoints	During term and 1 year after	Yes	Yes
NEVADA:					
Supreme court	Governor appoints	Bar officials appoint	None	Yes	Yes
District court	Governor appoints	Bar officials appoint	None	Yes	Yes

Table 12: Characteristics of judicial nominating commissions, 1980 (continued)

State and court title	Method of selection: Lay members	Method of selection: Lawyers	Offices held by commission members: Limitations on eligibility for judicial office	Permitted to hold: Public office†	Permitted to hold: Party office†
NEBRASKA:					
Supreme Court, District Court, County Court, Juvenile Court, and Workman's Compensation Court	Governor appoints	Resident lawyers elect	During term and 2 years after	Yes	Yes
NEW YORK:					
Appellate courts	Governor appoints 2, chief judge appoints 2	Governor appoints 2, chief judge appoints 2	During term and 1 year after	No	No
New York City courts	Mayor appoints	Presiding justice and deans of local law schools appoint	During term and 1 year after	Yes	Yes
All other courts	Governor and Chief Judge of Court of Appeals appoint	Governor, Chief Judge of Court of Appeals, Presiding Justice of Appellate Division of each department, and joint committee of majority and minority leaders of Senate and Assembly appoint	During term and 1 year after	No	No
NORTH CAROLINA	Governor appoints 13, Senate appoints 2, House appoints 2	Chief justice appoints 13, Senate appoints 1, House appoints 1	During term and 6 months after	Yes	Yes
NORTH DAKOTA	(Currently awaiting implementing legislation)				
OKLAHOMA	Governor appoints	Resident lawyers elect	During term and 5 years after	No	No
PENNSYLVANIA	Governor appoints	Governor appoints	During term	No	No
SOUTH DAKOTA	Governor appoints	President of state bar appoints	None	Yes	Yes
TENNESSEE	Governor appoints	Bar members elect, Governor appoints 2	During term and 4 years after	No	No
UTAH:					
Supreme Court and District Court	Governor appoints	Bar members elect	During term and 6 months after	Yes	Yes
VERMONT	Governor appoints, legislature appoints	Resident lawyers elect	None	Yes	Yes
WISCONSIN	Governor appoints	Governor apoints	None	Yes	Yes
WYOMING	Governor appoints	State bar members elect	During term and 1 year after	No	No
DISTRICT OF COLUMBIA	Mayor appoints, District Council appoints	Bar officials appoint	During term and 2 years after	Certain public offices	No

† Unless expressly prohibited, holding public or party office is assumed to be permitted.

Source: State Court Administrators; Review of state statutes by NCSP staff and staff of the American Judicature Society; Brenda J. Bogan, "Merit Selection of Judges . . . How Is It Working?" (Chicago, Illinois: American Judicature Society, 1979).

Table 13: Membership of judicial nominating commissions, 1980. Number of commissions and commissioners, partisanship of commission, term and limitations on terms, and requirement for judicial representation on commission.

State and court title	Number of commissions	Total commissioners	Partisanship of commission?	Term (years)	Limitations on terms	Judges required on commission?
ALABAMA--All courts	2	16	P	6	Not consecutive	Yes
ALASKA--All courts	1	7	B	6	None	Yes
ARIZONA:	2	27	B	4	None	Yes
Municipal Court (Tucson)	1	9	B	1	None	No
COLORADO:						
Supreme Court	1	12	B	6	Not consecutive	Yes
District Court	22	176	B	6	Not consecutive	Yes
County Court	1	8	B	4	None	Yes
DELAWARE--All courts	1	9	B	3	No more than 2 consecutive terms	No
FLORIDA:						
Supreme Court	1	9	P	4	None	No
District Court	4	36	P	4	None	No
Circuit Court	20	180	P	4	None	No
GEORGIA:						
Supreme Court, Court of Appeals, and Superior Court	2	20	P	Concurrent with term of Governor	None	No
Municipal Court	1	8	P	4	None	No
Other courts	1	10	P	8	None	No
HAWAII--All courts	1	9	B	6	Not consecutive	No
IDAHO:						
Supreme Court and District Court	1	7	B	6--Supreme Court	None	Yes
Magistrates' Division of the District Court	7	35	P	2 (attorney members) 6 (lay members	None	Yes
INDIANA:						
Appellate courts	1	7	P	6	None	Yes
Superior Court	4	28	B	4	No more than 2 consecutive terms	Yes
Municipal Court	1	11	B	2	No more than 2 consecutive terms	Yes
IOWA:						
Appellate courts	1	13	B	6	Not consecutive	Yes
District Court	13	143	B	6	Not consecutive	Yes
Judicial Magistrate Court	99	594	B	6	Not consecutive	Yes
KANSAS:						
Appellate courts	1	11	B	5	No more than 2 consecutive terms	No
District Court	23	Varies, depending on number of counties in district	B	4	None	Yes
KENTUCKY:						
Appellate courts	1	7	B	4	None	Yes
District Court	7	49	B	4	None	Yes
Circuit Court	56	392	B	4	None	Yes
MARYLAND:						
Appellate courts	1	13	P	Co-extensive with Governor	None	No
Trial courts	8	104	P	Co-extensive with Governor	None	No

State and court title	Number of commissions	Total commissioners	Partisanship of commission†	Term of commission (years)	Limitations on terms	Judges required on commission
MASSACHUSETTS--All courts	1	11	B	3	No more than 2 consecutive terms	No
MISSOURI:						
Appellate Courts	1	7	B	6	Not consecutive	Yes
Circuit Court	4	20	B	6	Not consecutive	Yes
Municipal Court	1	5	B	4	Not consecutive	Yes
MONTANA--All courts	1	7	N	4	None	Yes
NEVADA:						
Supreme Court	1	7	B	4	None	Yes
District Court	1	9	B	4	None	Yes
NEBRASKA:						
Supreme Court	7	63	B	6	Not more than 2 terms and not consecutive	Yes
District Court	21	189	B	Term ends upon appointment	Not more than 2 terms and not consecutive	Yes
County Court	21	189	B	4	Not more than 2 terms and not consecutive	Yes
Juvenile Court	1	9	B	6	Not more than 2 terms and not consecutive	Yes
Workman's Compensation Court ...	1	9	B	6	Not more than 2 terms and not consecutive	Yes
NEW YORK:						
Court of Appeals	1	12	B	4	None	No
New York City courts	1	27	B	Co-extensive with mayor	None	Yes
All other courts	5	60	B	4	None	No
NORTH CAROLINA--All courts	1	34	B	1	None	Yes
NORTH DAKOTA--All courts	(Currently awaiting implementing legislation)					
OKLAHOMA--All courts	1	13	B	6	Not consecutive	No
PENNSYLVANIA:						
Appellate courts	1	7	B	3	None	Yes
Trial courts	1	11	B	3	None	No
SOUTH DAKOTA	1	7	B	4	None	Yes
TENNESSEE	1	11	B	6	Not consecutive	No
UTAH:						
Supreme Court	1	7	B	4	Not consecutive	Yes
District Court	7	49	B	4	Not consecutive	Yes
VERMONT--All courts	1	11	B	2 6 (bar elected)	No more than 3 terms Not consecutive	No
WISCONSIN--All courts	1	9	B	1	None	No
WYOMING--All courts	2	14	B	4	Not consecutive	Yes
DISTIRCT OF COLUMBIA--All courts .	1	7	B	(a)	None	Yes

†If the representation of each political party was restricted, or if the Commission was expressly declared to be nonpartisan, then the Commission was judged to be bipartisan. Otherwise, the Commission was judged to be partisan.

Key:

B = Bipartisan
P = Partisan

aMembers appointed by President--5 years; members appointed by Board of Governors--1 for 3 years and 1 for 6 years.

Source: State Court Administrators; Review of state statutes by the NCSP staff and staff of the American Judicature Society; Burton M. Atkins, "Merit Selection of State Judges," Florida Bar Journal Volume 50, (April 1976), pages 203-207.

Table 14: Judicial discipline, 1980.
Name of investigating body, how and when established, membership, term, adjudicating body, removing body, and legal basis.

State and investigating body	Established by	Year established	Membership: Judges	Membership: Lawyers	Membership: Lay	Membership: Total	Term (years)	Adjudicating body	Removing body	Legal basis
ALABAMA--Judicial Inquiry Commission	Constitution	1973	3	2	2	7	4	Court of the Judiciary	Court of the Judiciary*	Constitution
ALASKA--Commission on Judicial Qualifications	Constitution	1968	5	2	2	9	4	Commission on Judicial Qualifications	Supreme Court	Constitution
ARIZONA--Commission on Judicial Qualifications	Constitution	1970	5	2	2	9	4	Commission on Judicial Qualifications	Supreme Court	Constitution
ARKANSAS--Judicial Ethics Committee[a]	Statute	1977	-	-	-	5	4	Judicial Ethics Committee	General Assembly	Constitution
Judicial Qualifications Committee[a]	Statute	1977						Supreme Court	Supreme Court	Statute
CALIFORNIA--Commission on Judicial Performance	Constitution	1960	5	2	2	9	4	Commission on Judicial Performance	Supreme Court	Constitution
COLORADO--Commission on Judicial Qualifications	Constitution	1967	5	2	2	9	4	Commission on Judicial Qualifications	Supreme Court	Constitution
CONNECTICUT--Judicial Review Council	Statute	1977	5	3	3	11	6	Judicial Review Council	Supreme Court[b]	Constitution
DELAWARE--Court on the Judiciary[c]	Constitution	1969	0	4	2	6	3	Board of Examining Officers	Court on the Judiciary	Constitution
FLORIDA--Judicial Qualifications Commission	Constitution	1966	6	2	5	13	6	Judicial Qualifications Commission	Supreme Court	Constitution
GEORGIA--Judicial Qualifications Commision	Constitution	1972	2	3	2	7	4	Judicial Qualifications Commission	Supreme Court	Constitution
HAWAII--Commission on Judicial Discipline	Constitution	1978	0	3	4	7	3	Commission on Judicial Discipline	Supreme Court	Constitution
IDAHO--Judicial Council	Statute	1967	2	2	3	7	6	Judicial Council	Supreme Court	Statute
ILLINOIS--Judicial Inquiry Board	Constitution	1971	2	3	4	9	4	Illinois Courts Commission	Illinois Courts Commission	Constitution
INDIANA--Commission on Judicial Qualifications	Constitution	1970	1	3	3	7	6	Commission on Judicial Qualifications	Supreme Court	Constitution
IOWA--Commission on Judicial Qualifications	Statute	1973	1	2	4	7	6	Commission on Judicial Qualifications	Supreme Court	Constitution
KANSAS--Commission on Judicial Qualifications	Court Rule	1974	4	3	2	9	4	Commission on Judicial Qualifications	Supreme Court[d]	Constitution
KENTUCKY--Judicial Retirement and Removal Commission	Constitution	1976	3	1	2	6	4	Judicial Retirement and Removal Commission	Judicial Retirement and Removal Commission*	Constitution

LOUISIANA--Judiciary Commission	Constitution	1968	3	3	3	9	4	Judiciary Commission	Supreme Court	Constitution
MAINE--Committee on Judicial Responsibility and Disability	Court Rule	1978	2	2	3	7	6	Committee on Judicial Responsibility and Disability	(e)	
MARYLAND--Commission on Judicial Disabilities	Constitution	1966	4	2	1	7	4	Commission on Judicial Disabilities	Court of Appeals	Constitution
MASSACHUSETTS--Commission on Judicial Conduct	Statute	1978	3	3	3	9	3	Commission on Judicial Conduct	(f)	
MICHIGAN--Judicial Tenure Commission	Constitution	1968	5	2	2	9	3	Judicial Tenure Commission	Supreme Court	Constitution
MINNESOTA--Board on Judicial Standards	Statute	1971	3	2	4	9	4	Board on Judicial Standards	Supreme Court	Constitution
MISSISSIPPI--Commission on Judicial Performance	Constitution	1979	4	1	2	7	6	Commission on Judicial Performance[g]	Supreme Court	Constitution
MISSOURI--Commission on Retirement, Removal and Discipline	Constitution	1972	2	2	2	6	6	Commission on Retirement, Removal and Discipline	Supreme Court	Constitution
MONTANA--Judicial Standards Commission	Statute	1972	2	1	2	5	4	Judicial Standards Commission	Supreme Court	Constitution
NEBRASKA--Commission on Judicial Qualifications	Statute	1966	7	2	2	11	4	Commission on Judicial Qualifications	Supreme Court	Constitution
NEVADA--Commission on Judicial Discipline	Statute	1976	2	2	3	7	4	Commission on Judicial Discipline	Commission on Judicial Discipline*	Constitution
NEW HAMPSHIRE--Committee on Judicial Conduct	Court Rule	1977	3	2	2	7	4	Committee on Judicial Conduct	(h)	
NEW JERSEY--Advisory Committee on Judicial Conduct	Court Rule	1974	2[i]	3[i]	4[i]	9	2	Supreme Court	Supreme Court	Constitution
NEW MEXICO--Judicial Standards Commission	Constitution	1967	2	2	5	9	4	Judicial Standards Commission	Supreme Court	Constitution
NEW YORK--State Commission on Judicial Conduct[j]..........	Constitution	1977	4	5	2	11	4	State Commission on Judicial Conduct*	State Commission on Judicial Conduct*	Constitution
NORTH CAROLINA--Judicial Standards Commission	Statute	1973	3	2	2	7	6	Judicial Standards Commission	Supreme Court	Statute
NORTH DAKOTA--Commission on Judicial Qualifications ...	Statute	1975	2	1	4	7	3	Commission on Judicial Qualifications	Supreme Court	Statute
OHIO--Board of Commissioners on Grievances and Discipline[k].	Statute	1965	0	17	0	17	3	Commission of Judges	Commission of Judges*	Statute
OKLAHOMA--Council on Judicial Complaints[l].................	Statute	1974	0	2	1	3	5	Trial Division, Court on the Judiciary	Appellate Division, Court on the Judiciary	Constitution

Table 14: Judicial discipline, 1980 (continued)

State and investigating body	Established by	Year established	Membership				Term (years)	Adjudicating body	Removing body	Legal basis
			Judges	Lawyers	Lay	Total				
OREGON--Commission on Judicial Fitness	Statute	1967	3	3	3	9	4	Commission on Judicial Fitness	Supreme Court	Constitution
PENNSYLVANIA--Judicial Inquiry and Review Board	Constitution	1968	5	2	2	9	2,3,&4	Judicial Inquiry and Review Board	Supreme Court	Constitution
RHODE ISLAND--Commission on Judicial Tenure and Discipline	Statute	1974	4	3	7[m]	13	3	Commission on Judicial Tenure and Discipline	Supreme Court[n]	Statute
SOUTH CAROLINA--Board of Commissioners on Judicial Standards	Court Rule	1976	6	2	0	8	6	Board of Commissioners on Judicial Standards	Supreme Court	Constitution
SOUTH DAKOTA--Commission on Judicial Qualifications	Statute	1972	2	3	2	7	4	Commission on Judicial Qualifications	Supreme Court	Constitution
TENNESSEE--Court of the Judiciary	Statute	1979	6	3	2	11	4	Court on the Judiciary	General Assembly[o]	Statute
TEXAS--State Commission on Judicial Conduct	Constitution	1965	5	2	4	11	6	State Commission on Judicial Conduct	Supreme Court	Constitution
UTAH--Commission on Judicial Qualifications	Statute	1968	(See footnote p)			7		Commission on Judicial Qualifications	Supreme Court	Constitution
VERMONT--Judicial Responsibility Board	Court Rule	1978	0	3	2	5	5	Judicial Responsibility Board	(q)	
VIRGINIA--Judicial Inquiry and Review Commission	Statute	1971	2	2	1	5	4	Judicial Review and Inquiry Commission	Supreme Court	Constitution
WASHINGTON	(There is no provision for a disciplinary commission in this state.)									
WEST VIRGINIA--Judicial Inquiry Commission	Court Rule	1976	3	2	2	7	4	Judicial Review Board	(r)	
WISCONSIN--Judicial Commission	Court Rule	1978	2	2	5	9	3	Judicial Conduct and Disability Panel or Jury	Supreme Court	Constitution
WYOMING--Judicial Supervisory Commission	Constitution	1973	2	2	3	7	4	Judicial Supervisory Commission	Supereme Court	Constitution
AMERICAN SAMOA	(Information not available)									
DISTRICT OF COLUMBIA--Commission on Judicial Disabilities and Tenure	Statute	1970	1	2	2	7[s]	6	Commission on Judicial Disabilities and Tenure	Commission on Judicial Disabilities and Tenure*	Statute
GUAM	(Information not available)									
PUERTO RICO	(See footnote t)									
VIRGIN ISLANDS	(Information not available)									

*With appeal to the court of last resort.

[a] The authority of the Arkansas Judicial Qualifications Committee extends only to judges of courts of limited jurisdiction. The Judicial Ethics Committee was created to investigate violations of law and other matters of all members of the judiciary and to report its recommendation to the General Assembly. Supreme Court justices, circuit judges, and chancellors can be removed only by impeachment or address.

[b] In Connecticut, elected judges (probate judges and justices of the peace) are excluded.

[c] In Delaware, a preliminary investigatory committee of three Bar members, appointed by the chief justice for three-year terms, investigates complaints and determines probable cause.

[d] Justices of the Kansas Supreme Court can be retired by the Supreme Court Nominating Committee upon certification to the Governor, but can be removed only by impeachment.

[e] The order establishing the Maine Committee on Judicial Responsibility and Disability states that the Committee shall file any recommendation for formal disciplinary action with the Supreme Judicial Court, and that, "Any further proceedings shall be before the Court."

[f] The disciplinary authority of the Massachusetts Commission on Judicial Conduct is to recommend an appropriate disposition of the matter and to forward its recommendation to the Supreme Judicial Court for its consideration and further action, if any.

[g] When a Mississippi Supreme Court justice is investigated, the recommendation for disposition is determined by a panel of seven Circuit Court and Chancery Court judges, selected by lot.

[h] New Hampshire Supreme Court Rule 28, section X, states: "The Supreme Court shall file a written opinion and judgment directing such disciplinary action as it finds just and proper . . ."

[i] The rule for selecting members of the New Jersey Advisory Committee on Judicial Conduct reads "at least 2 judges", "not more than 3 attorneys", and "not more than 4 public members". It would be possible for all 9 members to be judges.

[j] The New York State Commission on Judicial Conduct has the authority to impose disciplinary sanctions, including removal, subject to review by the Court of Appeals.

[k] The Ohio Board of Commissioners investigates only those complaints submitted by a local state bar ethics committee signed and sworn by one or more members of the Ohio bar.

[l] The Oklahoma Council on Judicial Complaints receives and investigates complaints; in practice the Council has forwarded its findings to the Chief Justice who files the petition with the Court on the Judiciary. The jurisdiction of the Trial Division of the court may be invoked by a petition, filed either by the Supreme Court or the Chief Justice; by the Governor; by the Attorney General; or by the Executive Secretary of the Oklahoma Bar Association when directed to do so by a vote of a majority of all members of its Executive Council; or by Resolution of the House of Delegates or House of Representatives.

[m] Of the 7 members of the Rhode Island Commission on Judicial Tenure and Discipline, 3 must be legislators, who serve for 2 years.

[n] In Rhode Island, the removal authority of the Supreme Court does not extend to Supreme Court justices. The Supreme Court is empowered to recommend the removal of a Supreme Court justice to the legislature which can initiate impeachment proceedings.

[o] In Tennessee, trial is conducted before the Court of the Judiciary. The accused has the right of appeal to the Supreme Court. If the Supreme Court affirms the judgment and the penalty is removal from office, the judgment is further reviewed by the General Assembly where a two-thirds vote of each house is required for removal.

[p] In Utah, two representatives and 2 senators serve for 2 years, and 3 bar commissioners serve for 4 years.

[q] The Vermont Supreme Court may order disciplinary sanctions including suspension for the remainder of a judge's term.

[r] In West Virginia a justice or judge may be removed only by impeachment.

[s] Two members of the District of Columbia Commission on Judicial Disabilities and Tenure are unspecified and serve 5 year terms.

[t] Puerto Rico has judicial disciplinary procedures within their Supreme Court, but no disciplinary commission.

Sources: Irene A. Tesitor, Judicial Conduct Organizations, American Judicature Society 1978, Table 1; state descriptions.

Table 15: Judicial compensation commissions, 1980. Name of commission, date of enabling legislation, number, appointment, and compensation of members.

State	Name of commission	Date of enabling legislation	Number of members	Appointment of members	Compensation: Per diem	Compensation: Reimbursement of expenses
ALABAMA	Judicial Compensation Commission	1975	5	1 by Governor 1 by President of Senate 1 by Speaker of the House 2 by Alabama Bar	N/A	Actual expenses
ALASKA	Alaska Salary Commission	1976	5	5 by Governor	(a)	Travel expenses[a]
ARIZONA	Commission on Salaries for Elective Officials	1975	5	2 by Governor 1 by President of Senate 1 by Speaker of the House 1 by Chief Justice	N/A	Travel and subsistence expenses
COLORADO	Colorado State Officials' Compensation Commission	1975	9	3 by Governor 2 by President of Senate 2 by Speaker of the House 2 by Chief Justice	N/A	Actual and necessary expenses
CONNECTICUT .	Compensation Commission for Elected State Officers and Judges	1971	11	3 by Governor 2 by President of Senate 2 by Speaker of the House 4, 2 by each minority leader of legislature	N/A	Necessary expenses
FLORIDA	State Officers' Compensation Commission	1972	9	2 by Governor 2 by President of Senate 2 by Speaker of the House 2 by Chief Justice 1 by other commission members	N/A	Travel expenses
GEORGIA	State Commission on Compensation	1971	12	4 by Governor 2 by Lt. Governor 2 by Speaker of the House 4 by Supreme Court	$25/day	Expenses and allowances
ILLINOIS	Commission on Compensation of State and Local Governmental Officials	1967	5	5 by Governor, with advice and consent of Senate	$50/day to a maximum of 100 days per year	Actual and necessary expenses
IOWA	Commission on Compensation Expenses and Salaries for Elected State Officials	1972	15	5 by Governor 5 by Speaker of the House 5 by President of Senate	N/A	Actual and necessary expenses
KENTUCKY	Public Officials Compensation Commission	1976	5	1 by Governor 1 by Lt. Governor 1 by Speaker of the House 1 by President of Senate 1 by Chief Justice	$50/day	Actual and necessary expenses
LOUISIANA ...	Compensation Review Commission	1975 (amended 1977)	19	5 by Governor 5 from the House of Representatives by Presiding Officer 5 from Senate by Presiding Officer 1 by Chief Justice 1 by Chairman of Conference of Court of Appeals Judges 1 by Louisiana District Judges' Association 1 by Louisiana City Judges' Association	(b)	Actual and necessary expenses

State	Name of commission	Date of enabling legislation	Number of members	Appointment of members	Compensation	
					Per diem	Reimbursement of expenses
MICHIGAN	State Officers' Compensation Commission	1968 (amended 1977)	7	7 by Governor	N/A	Actual and necessary expenses
MONTANA	Montana Salary Commission	1973 (amended 1974 and 1975)	8	2 by Governor 2 by Supreme Court 1 by Senate Majority Leader 1 by Senate Minority Leader 1 by Speaker of the House 1 by the House Minority Leader	$25/day	Travel expenses
NEW YORK	Commission on Legislative and Judicial Salaries	1972	9	9 by Governor, with advice and consent of Senate[c]	$100/day (to a maximum of $7,500 per member)	Actual and necessary expenses
OHIO	Elected Official and Judicial Compensation Review Commission	1972 (amended 1973 and 1977)	9	9 by Governor with advice and consent of Senate	N/A	Actual and necessary expenses
PENNSYLVANIA.	Commonwealth Compensation Commission	1971	3	1 by Governor 1 by President of Senate 1 by Speaker of the House	$50/day	Costs and expenses
SOUTH DAKOTA.	Commission on Salaries for Elective State Officials	1971 (amended 1973)	5	2 by Governor 1 by President of Senate 1 by Speaker of the House 1 by Chief Justice	N/A	Actual and necessary expenses
UTAH	Executive Compensation Commission	1969 (amended 1971 and 1977)	5	1 by Governor 1 by President of Senate 1 by Speaker of the House 2 by other commission members	$25/day	Necessary expenses
VERMONT	Compensation Advisory Board	1971 (redesignated in 1977)	5	1 by Governor 1 by President of Senate 1 by Speaker of the House 2 by other commission members	$25/day	Actual and necessary expenses
MICHIGAN	State Officers' Compensation	1968 (amended)	7	7 by Governor	N/A	Actual and necessary expenses
WASHINGTON ..	State Committee on Salaries	1965 (amended 1967 and 1970)	7	President, Puget Sound University President, Washington State University Chairman, State Personnel Board President, Association of Washington Business President, Pacific Northwest Personnel Managers Association President, Washington State Bar Association President, Washington State Labor Council	N/A	Travel expenses

N/A = Not applicable.

[a] Per diem is authorized by law for boards and commissions.

[b] Per diem for attendance of commission meetings is the same as per diem for attendance of legislative sessions.

[c] Six of the appointments are made according to recommendations made by: President of the Senate--2; Speaker of the Assembly--2; and Chief Judge of the Court of Appeals--2.

Source: State Court Administrators; Marilyn McCoy Roberts, Judicial Compensation Commissions (Williamsburg, Virginia: National Center for State Courts, 1979), Tables 1, 2, and 3.

Table 16: Jurisdiction of trial courts, 1980.
Level and name of court, geographic jurisdiction, number of districts, number of judges, civil, criminal, traffic, juvenile, and appellate jurisdiction.

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
ALABAMA:			
General--Circuit Court	Multi-county	39	113
Limited--District Court	County	88	88
Probate Court	County	67	67
Municipal Court	Municipality	215	215
ALASKA:			
General--Superior Court	Multi-county	4	21
Limited--District Court	Multi-county	4	69[c]
ARIZONA:			
General--Superior Court	County	14	80
Limited--Justice of the Peace Court	Precinct	84	84
City Magistrate Court	City	74	94
ARKANSAS:			
General--Circuit Court	Multi-county	19	33
Chancery Court	Multi-county	22	30
Probate Court	Multi-county	22	(d)
Limited--Municipal Court	County	98	98[e]
County Court	County	75	75
Court of Common Pleas	County	12	(f)
Justice of the Peace Court	Varies	3	2
Police Court	City	1	3
City Court	City	82	76
CALIFORNIA:			
General--Superior Court	County	58	607
Limited--Municipal Court	Combinations of municipalities	83	472
Justice Court	Judicial District	100	96
COLORADO:			
General--District Court	Multi-county	22	106
Limited--Denver Superior Court	Denver City and County	1	1
Denver Juvenile Court	Denver City and County	1	3[g]
Denver Probate Court	Denver City and County	1	1
County Court	County	63	108
Municipal Court	Municipality	210	240[h]
CONNECTICUT:			
General--Superior Court	Judicial district	11[i]	110
Limited--Probate Court	Probate district	130	130
DELAWARE:			
General--Superior Court	County	3	11
Court of Chancery	County	3	3[j]
Limited--Court of Common Pleas	County	3	5
Family Court	County	3	12
Municipal Court of Wilmington	Wilmington	1	3
Alderman's Court[b]	Town	14	20
Justice of the Peace Court	Part of a county	16	54[k]

Substantive jurisdiction

Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
X	X	X	X	$ 500		X	X		X	X	X	
	X	X	X		$ 5,000	X	X	X	X			
X												
							X	X				
X	X	X	X			X	X		X	X	X	X
		X	X		$10,000		X	X				
X	X	X	X			X	X	X	X	X	X	
		X	X		$ 2,500		X	X				
							X	X				
		X	X	$ 100		X	X		X	X	X	X
	X		X									
X			X									
		X	X		$ 300		X	X				
	X								X			
		X	X		$ 500[a]							
		X	X		$ 300		X	X				
		X	X		$ 300		X	X				
		X	X		$ 300		X	X				
X	X	X	X	$15,000		X			X	X	X	X
		X	X		$15,000		X	X				
		X	X		$15,000		X	X				
X	X	X	X			X	X		X	X	X	X
		X	X	$ 1,000	$ 5,000					X	X	
	X		X						X			
X		X	X									
		X	X		$ 1,000		X	X			X	
							X	X				
	X	X	X			X	X	X	X	X	X	X
X	X	X	X									
	X	X	X			X	X			X	X	X
X	X	X	X									
		X	X		$ 5,000		X					
	X		X				X		X			
							X	X				
		X	X				X	X				
		X	X		$ 1,500		X[a]	X				

Table 16: Jurisdiction of trial courts, 1980 (continued)

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
FLORIDA:			
General--Circuit Court	Multi-county	20	302
Limited--County Court	County	67	198
GEORGIA:			
General--Superior Court	Multi-county	42	110
Limited--Probate Court[b]	County	159	159
Juvenile Court	County	55	48[n]
Justice of the Peace Court	Militia District	1,774	1,531
State Court	County	60	77
Small Claims Court[b]	Varies	97	97
Municipal Court (located in Savanah and Columbus)	County	2	2
Magistrate Court	County	4	5
County Court	County	3	2[t]
Civil Court	County	2	3
Criminal Court, Municipal Court (other locations), Recorder's Court, Mayor's Court, City Council Court, and Police Court[b]	Varies	383	(w)
HAWAII:			
General--Circuit Court	County	4	25[x]
Land Court	State	1	(y)
Tax Appeal Court	State	1	(y)
Limited--District Court	County	4	18
IDAHO:			
General--District Court	Multi-county	7	99[z]
ILLINOIS:			
General--Circuit Court	Multi-county	21	677[aa]
INDIANA:			
General--Circuit Court	Multi-county	88	88
Superior Court[ac]	County	35	83
Limited--County Court	Multi-county	65	65
Probate Court	County	1	1
Municipal Court of Marion County	County	1	15
Small Claims Court of Marion County	County	8	8
City Court	City	47	47
Town Court	Town	19	19
IOWA:			
General--District Court	Multi-county	8	300[ae]
KANSAS:			
General--District Court	Multi-county	29	211[af]
Limited--Municipal Court	City	369	356[ag]
KENTUCKY:			
General--Circuit Court	Multi-county	56	91
Limited--District Court	Multi-county	56	123

Substantive jurisdiction												
Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
X	X	X	X	$ 5,000		X	X		X	X	X	X
		X	X		$ 5,000		X					
	X	X	X			X	X		X	X		X
X			X				X[m]	X[m]	X[m]			X
								X	X			
		X	X		$ 200[o]					X[p]		
		X	X				X	X				
		X	X		$ 400[q]							
		X	X		$ 1,500[r]		X	X				
		X	X		$ 1,000[s]		X	X				
		X	X		$ 500[u]		X					
			X		$ 3,000[v]							
							X	X				
X	X	X	X	$ 1,000		X	X	X	X	X	X	X
			X									X
		X										X
		X	X		$ 5,000		X	X				
X	X	X	X			X	X	X	X	X	X	X
X	X	X	X			X	X	X	X			
X	X	X	X			X	X	X	X	X[ab]	X	X
X	X	X	X			X	X	X	X	X		
		X	X		$ 3,000		X	X				
X		X	X						X			
		X	X		$12,500	X	X	X				
		X	X		$ 1,500							
		X	X		Varies[ad]		X	X				
							X	X				
X	X	X	X			X	X	X	X			
X	X	X	X			X	X	X	X	X	X	X
							X	X				
	X	X	X	$ 1,500		X	X			X	X	
X			X		$ 1,500		X	X	X			

Table 16: Jurisdiction of trial courts, 1980 (continued)

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
LOUISIANA:			
General--District Court	Multi-parish	41	161
Limited--Juvenile Court	Parish	3	9
Family Court	Parish	1	3
City Court	Ward	49	60[ah]
Parish Court	Part or all of a parish	3	5
Municipal Court of New Orleans	City	1	4[a]
Traffic Court of New Orleans	Parish	1	4[a]
Justice of the Peace Court	Single or multi-wards	376	376[a]
Mayor's Court	Municipality	250	250[ai]
MAINE:			
General--Superior Court	County	16	14
Limited--District Court		33	20
Probate Court	County	16	16
Administrative Court	State	1	2[aj]
MARYLAND:			
General--Circuit Court	Multi-county	8	97
Limited--District Court	Multi-county	12	87
Orphans' Court	County	22	66[a]
MASSACHUSETTS:			
General--Trial Court of the Commonwealth:			
Superior Court Department	County	14	56
Housing Court Department	County	2	3
Land Court Department	State	1	3
Probate and Family Court Department	County	14	33
Boston Municipal Court Department	City	1	9
Juvenile Court Department	Divisions	4	7
District Court Department	Divisions	69	153
MICHIGAN:			
General--Circuit Court	Multi-county	52	147
Recorder's Court of Detroit	City of Detroit	1	26
Limited--District Court	Combinations of cities and counties	98	214
Probate Court	County	83	106
Municipal Court	Varies	8	8
Common Pleas Court of Detroit	Wayne County	1	13
MINNESOTA:			
General--District Court[b]	Multi-county	10	72
Limited--Probate Court	County	2	2
County Court	County	67	136
County Municipal Court	County	2	28
Conciliation Court	County	69	(am)

Substantive jurisdiction												
Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
X	X	X	X			X	X	X		X	X	X
	X						X		X			
	X						X		X			
		X	X		$ 3,000		X	X				
		X	X		$ 5,000		X	X				
							X					
								X				
		X	X		$ 750							
							X	X				
	X	X	X			X				X	X	
	X	X	X		$20,000	X	X	X	X			
X	X		X									
		X										
X	X	X	X	$2,500		X	X		X	X	X	X
		X	X		$ 5,000	X	X	X	X[ak]			
X												
	X	X	X			X	X			X	X	X
		X	X				X					
			X									
X	X		X									
	X	X	X			X	X	X		X	X	X
							X		X			
	X	X	X			X	X	X	X	X	X	
	X	X	X	$10,000[al]		X	X			X	X	X
						X	X	X				
		X	X		$10,000		X	X				
X		X	X						X			
		X	X		$ 1,500		X	X				
		X	X		$10,000							
	X	X	X			X	X		X	X	X	X
X			X									
X	X	X	X		$ 5,000		X	X	X	X		
		X	X		$ 5,000		X	X		X		
		X	X		$ 1,000							

Table 16: Jurisdiction of trial courts, 1980 (continued)

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
MISSISSIPPI:			
General--Circuit Court	Multi-county	20	30
Chancery Court	Multi-county	20	35
Limited--County Court	County	16	20[an]
Family Court	County	1	1
Municipal Court[b]	(ao)	(ap)	150[a]
Justice Court	Justice court district	410	420
MISSOURI:			
General--Circuit Court	Judicial circuit	43	300[aq]
MONTANA:			
General--District Court	Multi-county	19	32
Limited--Justice of the Peace Court	County	90	90
City Court	City	100	100[ar]
Municipal Court	Municipality	2	2
Water Court	Water division	4	(as)
NEBRASKA:			
General--District Court	Multi-county	21	45
Limited--County Court	Multi-county	21	43
Separate Juvenile Court	County	3	4
Municipal Court	City	2	13
Workmen's Compensation Court	State	1	5
NEVADA:			
General--District Court	Judicial district	9	29
Limited--Justices' Court	Township	60	60[at]
Municipal Court	City or town	21	21
NEW HAMPSHIRE:			
General--Superior Court	County	10	15
Limited--Probate Court	County	10	10[a]
District Court	Judicial district	41	84[au]
Municipal Court	Town	15	20[av]
NEW JERSEY:			
General--Superior Court	Multi-county	21	214
Limited--County District Court	County	21	39
Juvenile and Domestic Relations Court	County	21	33
Surrogate's Court	County	21	21
Municipal Court	Municipality	526	372[aw]
Tax Court	State	1	9
NEW MEXICO:			
General--District Court	Multi-county	13	44
Limited--Magistrate Court	County	32	72[ax]
Municipal Court	Municipality	96	96
Probate Court	County	32	32
Metropolitan Court of Bernalillo County[ay]	County	1	11
Small Claims Court of Albuquerque[ay]	Municipality	1	1

Substantive jurisdiction

Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
		X	X			X	X			X	X	X
X	X		X						X	X		X
X	X	X	X		$10,000		X		X	X	X	
	X						X		X			
							X	X	X			
		X	X		$ 500		X	X				
X	X	X	X			X	X	X	X			
X	X	X		$ 50		X	X		X	X	X	X
		X	X		$ 1,500		X	X				
		X	X		$ 300		X					
		X	X		$ 300		X	X				
			X									
	X	X	X	$5,000		X	X			X	X	X
X	X	X	X		$ 5,000		X	X	X			
	X								X			
		X	X		$ 5,000		X	X	X			
												X
X	X	X	X	$ 300		X	X		X	X	X	
			X		$ 750		X	X				
		X	X		$ 750		X	X				
	X	X	X	$ 500		X	X				X	
X	X		X									
		X	X		$ 5,000		X	X	X			
		X	X		$ 500		X	X				
X	X	X	X			X	X	X			X	X
		X	X		$ 3,000		X	X				
	X								X			
X												
							X	X				
												X
X	X	X	X			X	X		X	X	X	X
			X		$ 2,000		X	X				
							X	X				
X												
		X	X		$ 5,000		X					
		X	X		$ 2,000		X					

Table 16: Jurisdiction of trial courts, 1980 (continued)

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
NEW YORK:			
General--Supreme Court	Multi-county	11	263
County Court	County	57	104
Limited--Surrogate's Court	County	62	35[ba]
Family Court	County	58	107[ba]
Civil Court of the City of New York	City of New York	1	120
Criminal Court of the City of New York	City of New York	1	98
District Court	Varies	2	49
City Court[b]	City	61	161[bc]
Court of Claims	Multi-county	9	43[be]
Town Justice Court and Village Justice Court	Municipality	2,424	2,424
NORTH CAROLINA:			
General--Superior Court	Multi-county	33	66
Limited--District Court	Multi-county	33	136
NORTH DAKOTA:			
General--District Court	Multi-county	7	24
Limited--County Court	County	36	36
County Court with Increased Jurisdiction	County	17	17
County Justice Court	County	36	36
Municipal Court	Municipality	187	190
OHIO:			
General--Court of Common Pleas	County	88	313
Limited--Municipal Court	Varies	110	189
County Court	Varies	59	59
Mayor's Court	Municipality	700	690
Court of Claims	State	1	(bf)
OKLAHOMA:			
General--District Court	Judicial district	26	198[bg]
Limited--Municipal Criminal Court of Record	City	2	19[bh]
Municipal Court Not of Record	City	167	534[bi]
Workers' Compensation Court	State	1	(bj)
Court of Tax Review	State	1	(bk)
Court of Bank Review	State	1	(bk)
OREGON:			
General--Circuit Court	Multi-county	20	75
Tax Court	State	1	1
Limited--District Court[b]	Multi-county	24	55
Justice Court	Portion of county	40	40
County Court[b]	County	9	9
Municipal Court	City	165	193
PENNSYLVANIA:			
General--Court of Common Pleas	Multi-county	59	285
Limited--District Justice Court	Magisterial district	555	555
Community Court[bl]	(bl)	(bl)	0[bl]
Philadelphia Municipal Court	Philadelphia County	1	22
Philadelphia Traffic Court	Philadelphia County	1	6
Pittsburgh Magistrates Court	City of Pittsburgh	1	6

Substantive jurisdiction												
Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
	X	X	X		$ 6,000[az]	X	X					
		X	X		$ 6,000[bb]	X	X			X	X	
X	X	X	X									
X	X								X			
		X	X		$10,000							
							X					
		X	X		$ 6,000		X	X				
		X	X		(bd)		X	X				
		X	X									X
		X	X		$ 3,000		X	X				
X		X	X	$5,000		X	X				X	X
	X	X	X		$ 5,000		X	X	X			
	X	X	X			X	X		X	X	X	X
X												
X		X	X		$ 1,000		X	X			X	
		X	X		$ 200		X	X				
								X				
X	X	X	X	$ 500		X			X			X
		X	X		$10,000		X	X			X	
		X	X		$ 3,000		X	X			X	
							X	X				
		X	X									X
X	X	X	X			X	X	X	X		X	
								X				
								X				
			X									X
												X
												X
X	X	X	X	$ 3,000		X			X	X	X	X
												X
X		X	X		$ 3,000		X	X				
		X	X		$ 2,500		X	X				
X									X			
								X				
X	X	X	X			X	X		X	X	X	X
		X	X		$ 2,000		X	X				
			X		$ 2,000		X	X				
		X	X		$ 1,000	X	X					
								X				
			X				X	X				

Table 16: Jurisdiction of trial courts, 1980 (continued)

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
RHODE ISLAND:			
General--Superior Court	County	4	19
Limited--Family Court	State	1	11
District Court	Judicial district	8	13
Probate Court	City or town	39	39[a]
Municipal Court	City or county	3	5[a]
SOUTH CAROLINA:			
General--Circuit Court	Multi-county	16	31
Limited--Family Court	Multi-county	16	46
Probate Court	County	46	46
Magistrate's Court	Magisterial District	322	330
Municipal Court	Municipality	82	250
SOUTH DAKOTA:			
General--Circuit Court	Multi-county	8	141[bm]
TENNESSEE:			
General--Circuit Court	Multi-county	31	58
Criminal Court	Multi-county	13	26
Chancery Court	Multi-county	18	27
Law and Equity Court	County	4	5
Limited--County Court	County	68	68
General Sessions Court[b]	County	92	92
Probate Court	County	3	2[bp]
Juvenile Court	County	16	6[bq]
Trial Justice Court	County	2	2
Municipal Court	Municipality	300	192
TEXAS:			
General--District Court[b]	Varies	310	310
Limited--County Court:			
County Court Constitutional	County	254	254
County Court at Law[b]	County	98	98
Probate Court	County	8	8
Justice of the Peace Court	Precinct	972	972
Municipal Court	Municipality	863	863
UTAH:			
General--District Court	Judicial district	7	24
Limited--Circuit Court	Judicial circuit	12	33
Justice Court	Municipality	210	170
Juvenile Court	State	5	9
VERMONT:			
General--Superior Court	County	14	38[br]
Limited--District Court	Multi-county	16	14
Probate Court	All or part of a county	19	19[a]
VIRGINIA:			
General--Circuit Court	Multi-county	31	111
Limited--General District Court	Multi-county	32	98[bs]
Juvenile and Domestic Relations District Court	Multi-county	32	65

Substantive jurisdiction

Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
		X	X	$ 5,000		X	X			X	X	X
	X		X				X	X	X			
		X	X		$ 5,000		X	X				X
X												
							X	X				
X		X	X			X	X			X	X	X
	X		X					X	X			
X			X						X			
		X	X		$ 1,000		X	X				
		X	X		$ 1,000		X	X				
X	X	X	X			X	X	X	X	X	X	X
	X	X	X	$ 50[bn]		X	X			X	X	X
						X	X				X	X
X	X	X	X	$ 50								X
X	X	X	X	$ 50						X[bo]	X	X
X	X		X						X			
X	X	X	X		$10,000		X		X			
X												
	X						X		X			
	X	X	X		$10,000		X					
							X	X				
X	X	X	X	$ 500		X	X		X	X		X
X		X	X	$ 200	$ 1,000		X	X	X	X	X	
X		X	X	$ 200	$ 5,000		X	X	X	X	X	
X			X									
		X	X		$ 500		X	X				
							X	X				
X	X	X				X	X			X	X	
			X		$ 5,000		X	X				
		X	X		$ 750		X	X				
							X	X	X			
	X	X	X	$ 200		X	X			X		X
	X	X	X		$ 5,000	X	X	X	X			
X	X		X									
X		X	X	$ 1,000		X	X		X	X	X	X
		X	X		$ 5,000		X	X				
	X						X	X	X			

Table 16: Jurisdiction of trial courts, 1980 (continued)

State, court level, and court name	Geographic bounds of court	Number of court districts or locations	Number of judges
WASHINGTON:			
General--Superior Court	Multi-county	28	118
Limited--Justice of the Peace Court	Columbia County	1	2
District Court	Part or all of a county	73	94[bu]
Municipal Court	Municipality	225	206[bv]
WEST VIRGINIA:			
General--Circuit Court	Multi-county	31	60
Limited--Magistrate Court	County	55	150
Municipal Court	Municipality	54	54
WISCONSIN:			
General--Circuit Court	Multi-county	69	190
Limited--Municipal Justice Court	Municipality	216	216
WYOMING:			
General--District Court	Multi-county	9	15
Limited--County Court	County	2	4
Justice of the Peace Court	County	38	43[a]
Municipal Court	Municipality	74	77[a]
AMERICAN SAMOA:			
General--High Court of American Samoa	Territory	1	7[bw]
Limited--District Court	Territory	1	1
Village Court	Village		(bx)
DISTRICT OF COLUMBIA:			
General--Superior Court	District	1	44
GUAM:			
General--Superior Court	Territory	1	5
PUERTO RICO:			
General--Superior Court	Court district	12	92
Limited--District Court	Municipality	38	99
Municipal Court	Municipality	(by)	60
VIRGIN ISLANDS:			
Limited--Territorial Court of the Virgin Islands	Judicial division	2	5

[a] Judges in this court serve part-time.
[b] Jurisdiction in this court varies from location to location.
[c] There are 23 judges and 46 magistrates that serve the Alaska District Court.
[d] Chancellors (judges of the Chancery Court) also serve the Probate Court in Arkansas.
[e] Four of the judges of the Arkansas Municipal Court serve as full-time judges; the remaining 94 serve part-time.
[f] County judges serve the Arkansas Count of Common Pleas.
[g] The maximum $-amount of civil jurisdiction of the Arkansas Court of Common Pleas varies from $500 to $1,500.
[h] The Colorado Municipal Court is served by 15 full-time and 225 part-time judges.
[i] When hearing juvenile cases, the Connecticut Superior Court is divided into 15 districts.
[j] The Delaware Count of Chancery is served by 1 chancellor and 2 vice chancellors.
[k] Judges serving the Delaware Justice of the Peace Court consist of 53 justices of the peace and 1 chief magistrate.

Substantive jurisdiction												
Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $-amount jurisdiction	Maximum $-amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Administrative agency
X	X	X	X	$ 3,000		X	X		X	X	X	
		X	X		$ 1,000[bt]		X	X				
		X	X		$ 3,000		X	X				
								X				
	X	X	X	$ 100		X	X		X	X	X	X
		X	X		$ 1,500		X	X				
							X					
X	X	X	X			X	X	X	X	X	X	X
								X				
X	X	X	X	$ 500		X	X		X	X	X	X
		X	X		$ 7,000		X					
		X	X		$ 4,000		X	X				
							X	X				
X	X	X	X	$ 3,000		X			X	X	X	
	X	X	X		$ 3,000		X	X			X	
							X					
X	X	X	X			X	X	X	X			X
X	X	X	X			X	X	X	X		X	
X	X	X	X	$10,000		X	X		X	X	X	X
	X	X	X		$10,000		X	X				
			X									
X	X	X	X		$50,000	X	X		X			

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[l] The Delaware Justice of the Peace Court in Wilmington has no criminal jurisdiction.

[m] In counties with no State Court or County Court, the Georgia Probate Court hears violations of the Georgia State Highway Patrol Act of 1937, truancy, and fish and game violations.

[n] Five State Courts hear juvenile cases in counties with no separate Juvenile Court in Georgia.

[o] The $-amount of civil jurisdiction of the Georgia Justice of the Peace Court varies up to $2,000 in some locations.

[p] The Georgia Justice of the Peace Court has an internal appeal mechanism as an alternative to appeal to the Superior Court. The appeal is made to a jury composed of the justice of the peace and five other jurors[q]The $-amount of civil jurisdiction of the Georgia Small Claims Court varies up to $5,000.

[r] The maximum $-amount of civil jurisdiction of the Georgia Municipal Court in Savannah is $1,500; it is $5,000 in Columbus.

[s] The $-amount of civil jurisdiction of the Georgia Magistrate Court varies up to $2,000 in Rockdale and Clarke Counties.

Table 16: Jurisdiction of trial courts, 1980 (continued)

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[t] One probate judge serves as judge of the Georgia County Court in addition to the two county judges that serve it.

[u] The maximum $-amount of civil jurisdiction of the Georgia County Court varies up to $500 in Echols County.

[v] The $-amount of civil jurisdiction of the Georgia Civil Court varies up to $10,000 (in Richmond County).

[w] The number of judges serving these courts in Georgia is not available.

[x] The Hawaii Circuit Court is served by 20 regular judges and 5 judges in the Family Court Division.

[y] The Hawaii Land Court and Tax Appeal Court are each served by one judge from the First Judicial Circuit Court.

[z] The Idaho District Court is served by 30 judges and 70 magistrates (in the Magistrate's Division).

[aa] The Illinois Circuit Court is served by 383 circuit and 294 associate judges.

[ab] The Indiana Circuit Court has appellate jurisdiction in small claims over the Small Claims Court of Marion County.

[ac] Jurisdiction of the Indiana Superior Court varies from location to location.

[ad] The maximum civil jurisdiction of the Indiana City Court varies from $500 to 1,500.

[ae] There are 92 full-time and 3 part-time judges, 13 district associate judges, 17 regular and 9 substitute full-time magistrates, and 166 part-time magistrates serving the three divisions of the District Court of Iowa.

[af] There are 70 district, 67 associate district, and 74 district magistrate judges serving the Kansas District Court.

[ag] There are 1 full-time and 355 part-time judges serving the Kansas Municpal Court.

[ah] There are 11 full-time and 49 part-time judges serving in the Louisiana City Court.

[ai] Judges of the Lousiana Mayor's Court are either the mayor of the municipality or a legislatively authorized magistrate.

[aj] The Maine Administrative Court is served by 1 judge and 1 associate judge.

[ak] The Maryland District Court has juvenile jurisdiction in Montgomery County only.

[al] The Circuit Court in Wayne County, Michigan has a minimum $-amount for civil jurisdiction of $5,000.

[am] Hearing officers serve the Minnesota Conciliation Court in Hennepin and Ramsey Counties. Elsewhere county judges serve this court.

[an] The Mississippi County Court is served by 13 full-time and 7 part-time judges.

[ao] The geographic boundaries of the Mississippi Municipal Court varies depending on the type of case. These courts have municipality-wide jurisdiction over municipal ordinance violations but county-wide limited jurisdiction over state criminal law violations.

[ap] The number of Municipal Courts in Mississippi is not available.

[aq] The Missouri Circuit Court is served by 131 judges and 169 associate judges.

[ar] Many of the Montana City Court judges also function as justices of the peace.

[as] The Montana Water Court is served by 4 District Court judges.

[at] Nine justices of the Nevada Justices' Court also serve as Municipal Court judges.

[au] The New Hampshire District Court is served by 9 full-time and 75 special or part-time judges.

[av] The New Hampshire Municipal Court is served by [illegible]5 part-time and 5 special judges.

[aw] The New Jersey Municipal Court is served by 2 full-time and 75 special or part-time judges.

[ax] There are 11 full-time and 61 part-time judges serving the New Mexico Magistrate Court.

[ay] The Metropolitan Court of Bernalillo County, New Mexico, is to be established on July 1, 1980. The Small Claims Court of Albuquerque will be abolished at that time.

[az] The New York Supreme Court hears civil cases above the $-amount jurisdiction of other courts, varying from location to location from over $6,000 to over $10,000.

[ba] The New York Family Court and Surrogate's Court are served by 37 county judges in addition to their regular judges.

[bb] The maximum $-amount of civil jurisdiction in the New York County Court varies from $6,000 to $10,000

[bc] The City Court of the state of New York is served by 101 full-time and 61 part-time judges.

[bd] The maximum $-amount of civil jurisdiction of the City Court of the state of New York is set by the legislation creating each individual court and varies from location to location.

[be] The New York Court of Claims is served by 17 judges and 26 special judges for dangerous drug control.

[bf] The Ohio Court of Claims is served by judges and justices on temporary assignment from the appellate or general jurisdiction courts.

[bg] There are 71 district, 77 associate district, and 50 special judges serving the Oklahoma District Court.

[bh] The Oklahoma Municipal Criminal Court of Record is served by 6 full-time and 13 part-time judges.

[bi] The Oklahoma Municipal Court Not of Record is served by 1 full-time and 533 part-time judges.

[bj] The Oklahoma Worker's Compensation Court is served by seven district judges.

[bk] The Oklahoma Court of Tax Review and Court of Bank Review are served by three district judges each.

[bl] No Community Court has yet been established in Pennsylvania.

[bm] The South Dakota Circuit Court is served by 36 judges, 7 full-time and 11 part-time lawyer magistrates, and 22 lay magistrates.

[bn] The $-amount minimum jurisdiction of the Tennessee Circuit Court varies up to $3,000 in some larger counties.

[bo] The only Law and Equity Court in Tennessee with appellate jurisdiction is the one located in Gibson County that hears civil appeals from the General Sessions Court.

[bp] The Tennessee Probate Court is served by 1 county and 5 general sessions judges in addition to the 2 probate judges that serve it.

[bq] The Tennessee Juvenile Court is served by 7 general sessions and 2 county judges and 1 trial justice in addition to the 6 juvenile judges that serve it.

[br] There are 10 judges and 28 assistant judges serving the Vermont Superior Court.

[bs] There are 83 full-time and 15 part-time judges serving the Virginia General District Court.

[bt] The maximum $-amount varies from $500 to $1,000 in different locations of the Washington Justice of the Peace Court.

[bu] The Washington District Court is served by 63 full-time and 31 part-time judges.

[bv] Of the 206 judges serving the Washington Municipal Court, 94 also serve in the District Court.

[bw] The trial division of the High Court of American Samoa is authorized to be served by 2 justices and "not less than" 5 judges.

[bx] The American Samoa Village Court is served by associate justices of the High Court of American Samoa.

[by] The number of locations of the Puerto Rico Municipal Court is not available.

Source: State Court Administrators.

Table 17: Jurisdiction over appeals in trial courts, 1980. Name of general jurisdiction court, type of appeal, and court of origin.

State and name of general jurisdiction court	Type of appeal and court of origin	
	De novo	On record
ALABAMA--Circuit Court	District Court	
	Probate Court	
	Municipal Court	
ALASKA--Superior Court	District Court	District Court
ARIZONA--Superior Court	Justice Court	
	Police Court	
ARKANSAS--Circuit Court	Municipal Court	
	County Court	
	Court of Common Pleas	
	Justice of the Peace Court	
	Police Court	
	City Court	
CALIFORNIA--Superior Court	Municipal Court	Municipal Court
	Justice Court	Justice Court
COLORADO--District Court	County Court	County Court
CONNECTICUT--Superior Court	Probate Court	
DELAWARE--Superior Court	Justice of the Peace Court	
	Family Court	
	Municipal Court of Wilmington	
	Alderman's Court	
FLORIDA--Circuit Court	County Court	County Court
GEORGIA--Superior Court	Probate Court	
	Justice of the Peace Court	
	Small Claims Court	
	Municipal Court	
	Magistrate's Court	
	County Court	
	Civil Court	
	Recorder's Court	
	Mayor's Court	
	City Court	
	Criminal Court	
	Police Court	
IDAHO--District Court	Magistrates Division of District Court	
INDIANA--Circuit Court	Small Claims Court of Marion County	
	City Court	
	Town Court	
Superior Court	Small Claims Court of Marion County	
	City Court	
	Town Court	
KANSAS--District Court	Municipal Court	
KENTUCKY--Circuit Court		District Court
LOUISIANA--District Court	Traffic Court of New Orleans	
	Justice of the Peace Court	Municipal Court of New Orleans
	Mayor's Court	City Courts
MAINE--Superior Court	District Court (criminal appeals)	Probate Court
		District Court (non-criminal appeals)
MARYLAND--Circuit Court	District Court	District Court
	Orphan's Court	

State and name of general jurisdiction court	Type of appeal and court of origin	
	De novo	On record
MICHIGAN--Circuit Court	District Court Probate Court Municipal Court Common Pleas Court of Detroit	District Court Probate Court Common Pleas Court of Detroit
MINNESOTA--District Court	Probate Court County Court County Municipal Court	Probate Court County Court County Municipal Court
MISSISSIPPI--Circuit Court	County Court Municipal Court Justice Court	County Court Municipal Court Justice Court
Chancery Court	County Court Family Court	
MONTANA--District Court	Justice Court City Court Municipal Court	
NEBRASKA--District Court	County Court Municipal Court	County Court Municipal Court
NEVADA--District Court	Justices' Court Municipal Court	Justices' Court Municipal Court
NEW HAMPSHIRE--Superior Court .	District Court Municipal Court	
NEW JERSEY--Superior Court: Law Division		Surrogate's Court Municipal Court
NEW MEXICO--District Court	Magistrate Court Municipal Court Probate Court Metropolitan Court of Bernalillo County[a]	
NEW YORK--County Court		City Court (outside City of New York) Town and Village Justice Court
NORTH CAROLINA--Superior Court.	District Court	
NORTH DAKOTA--District Court ..	County Court County Justice Court Municipal Court	
OKLAHOMA--District Court	Municipal Court Not of Record	
OREGON--Circuit Court	Justice Court County Court Municipal Courts	
PENNSYLVANIA--Court of Common Pleas	Community Court[a] Philadelphia Municipal Court Philadelphia Traffic Court Pittsburgh Magistrates Court District Justice Court	
RHODE ISLAND--Superior Court ..	District Court Probate Court Municipal Court	
SOUTH CAROLINA--Circuit Court .	Probate Court Magistrate's Court Municipal Court	

Table 17: Jurisdiction over appeals in trial courts, 1980 (continued)

State and name of general jurisdiction court	Type of appeal and court of origin	
	De novo	On record
TENNESSEE--Circuit Court	County Court General Sessions Court Probate Court Juvenile Court Trial Justice Court Municipal Court	
Criminal Court	General Sessions Court Trial Justice Court	
TEXAS--District Court	County Court	
UTAH--District Court	Justice Court	Circuit Court
VERMONT--Superior Court	Probate Court	
VIRGINIA--Circuit Court	General District Court Juvenile and Domestic Relations District Court	
WASHINGTON--Superior Court	Municipal Court District Court Justice of the Peace Court	
WEST VIRGINIA--Circuit Court	Magistrate Court	
WISCONSIN--Circuit Court	Municipal Justice Court	
WYOMING--District Court		Municipal Court Justice of the Peace Court County Court
AMERICAN SAMOA	(No information available)	
PUERTO RICO--Superior Court	District Court	
VIRGIN ISLANDS	(No information available)	

Note: Only those states whose general jurisdiction courts have appellate jurisdiction are listed on this table.

[a] The Metropolitan Court of Bernalillo County is to be established on July 1, 1980, replacing the Municipal and Magistrate Courts in the county at that time.

[b] Pennsylvania law provides for the creation of the Community Court, but as yet none has been created.

Source: American Bar Association--National Center for State Courts, Implementation of Standards for Judicial Administration Project, State Court Organization Profile series)Williamsburg, Virginia: National Center for State Courts, 1977-1980); State Court Administrators.

Table 18: Employees of appellate courts, 1980.
Number of full-time equivalent employees by position, for judicial support and for the office of the clerk.

		Judicial support						Office of the Clerk		
				Legal staff						
State and court	Judges	Commissioners and other quasi-judicial officers	Court reporters and editors of opinions	Assigned to individual judges	Central staff	Secretaries and other clerical	Other employees paid by the court	Clerk of Court and professional staff	Secretaries and other clerical	Total personnel
ALABAMA--Supreme Court	9	2	0	12	0	15	12[b]	3	5	58.0
Court of Civil Appeals	3	0	0	3	0	3	0	1	2	12.0
Court of Criminal Appeals	5	0	0	4	3	5	1[c]	1	3	22.0
ALASKA--Supreme Court	5	(a)	(a)	13	2	5	0	2	11	38.0
Court of Appeals	3	(a)	(a)	(d)	(d)	3	(d)	(d)	(d)	6.0[d]
ARIZONA--Supreme Court	5	(a)	(a)	10	5	7	0	1	7	35.0
Court of Appeals	12	(a)	(a)	12	10	15	0	2	13	64.0
ARKANSAS--Supreme Court	7	0	1	7	0	8	3[e]	2	2	30.0
Court of Appeals...............	6	0	0	6	0	6	0	1	1	20.0
CALIFORNIA--Supreme Court	7	0	2	24	9	24	4	11	0	81.0
Court of Appeals	54	0	1	61	25	76	25	42	2	286.0
COLORADO--Supreme Court	7	0	1	8	(a)	8	4[f]	2	5	35.0
Court of Appeals	10	0	1	10	(a)	10	2[g]	2	6	41.0
CONNECTICUT--Supreme Court	6	0	7	7	0	6	0	2	1	29.0
Appellate Sessions of the Superior Court	3	(a)	(a)	(a)	3	(a)	0	4	4	14.0
DELAWARE--Supreme Court	5	0	0	5	0	7	1[h]	2	1	21.0
FLORIDA--Supreme Court	7	(a)	(a)	14	(a)	9	42[i]	2	9	83.0
District Courts of Appeal	39	(a)	(a)	71	7	39	21[j]	10	38	225.0
GEORGIA--Supreme Court	7	0	7	16	2	7	7[k]	2	6	54.0
Court of Appeals	9	(a)	2	(a)	(a)	(a)	(a)	2	(a)	13.0
HAWAII--Supreme Court	5	0	0	12	(a)	6	1[l]	1	5	30.0
Intermediate Court of Appeals .	3	(a)	(a)	3	(a)	3	(a)	(a)	(a)	9.0
IDAHO--Supreme Court	5	(a)	(a)	10	1	6	(a)	1	3	26.0
ILLINOIS--Supreme Court	7	0	1	14	3	10	49	1	14	199.0
Appellate Court	41	0	1	82	20	41	(a)	5	48	248.0

INDIANA--Supreme Court	5	(a)	(a)	7	(a)	5	2[m]	(11 total)		30.0
Court of Appeals	12	1	(a)	(29 combined)		12	6[n]	(o)	(o)	60.0
IOWA--Supreme Court	9	0	0	10	8	7.7	0	2	4	40.7
Court of Appeals	5	0	0	5	(p)	3	0	(p)	(p)	13.0
KANSAS--Supreme Court	7	1	3.5	7	(a)	7	18[q]	3	9	55.5
Court of Appeals	7	(a)	(r)	7	3	7	(a)	(r)	(r)	24.0
KENTUCKY--Supreme Court	7	0	0	7	4	14	11[s]	1	5	49.0
Court of Appeals	14	0	0	14	8	22	0	0	9	67.0
LOUISIANA--Supreme Court	7	0	0	21	10	11	1[t]	4	9	63.0
Court of Appeals	32	0	0	35	2	32	6.3[u]	8	11	126.3
MAINE--Supreme Judicial Court ...	7	(a)	0	11	(a)	8	1.3	1	1.8	30.1
MARYLAND--Court of Appeals	7	0	0	8	0	7	0	2	6	30.0
Court of Special Appeals	13	0	0	14	2	14	0	2	11	56.0
MASSACHUSETTS--Supreme Judicial Court	7	(Information not available)								
Appeals Court	10	(Information not available)								
MICHIGAN--Supreme Court	7	9	4	31	6	18	0	5	3	83.0
Court of Appeals	18	(Information not available)								
MINNESOTA--Supreme Court	9	3	0	19	0	13	4[v]	2	2.5	52.5
MISSISSIPPI--Supreme Court	9	0	0	9	3	11	3[w]	2	6	43.0
MISSOURI--Supreme Court	7	2	(a)	17	6	8	9[x]	7	5	61.0
Court of Appeals	30	10	0	30	36	9	12[x]	8	7	142.0
MONTANA--Supreme Court	7	(Information not available)								
NEBRASKA--Supreme Court	7	0	3	14	15	(a)	(a)	2	(a)	41.0
NEVADA--Supreme Court	5	(a)	1	6	9	9	(a)	3	3	36.0
NEW HAMPSHIRE--Supreme Court	5	(a)	(a)	5	0	(a)	1[y]	2	4	17.0
NEW JERSEY--Supreme Court	7	0[z]	0	17	0	13	0	5	17	59.0
Appellate Division of the Superior Court	22	0[aa]	0	23	22	30	0	6	58	161.0
NEW MEXICO--Supreme Court	5	(a)	(a)	6	(a)	5	(a)	1	5	22.0
Court of Appeals	7	3	(a)	7	(a)	8	(a)	1	3	29.0

Table 18: Employees of appellate courts, 1980 (continued)

		Judicial support						Office of the Clerk		
				Legal staff						
State and court	Judges	Commissioners and other quasi-judicial officers	Court reporters and editors of opinions	Assigned to individual judges	Central staff	Secretaries and other clerical	Other employees paid by the court	Clerk of Court and professional staff	Secretaries and other clerical	Total personnel
NEW YORK--Court of Appeals	7	0	12	18	9	23	44[bb]	16	6	135.0
Appellate Division of the Supreme Court	46	0	0	48	83	70	8[bb]	94	36	385.0
Appellate Terms of the Supreme Court	(cc)	0	0	0	18	0	0	24	12	54.0
NORTH CAROLINA--Supreme Court	7	(a)	1	8	(a)	8	8[dd]	1	3	36.0
Court of Appeals	12	(a)	1	12	8	15	(a)	1	7	56.0
NORTH DAKOTA--Supreme Court	5	1	1	5	1	5	9[ee]	3	3	33.0
OHIO--Supreme Court	7	2	4	10	3	9	1.5	3	4	43.5[ff]
Court of Appeals[ff]	44	(Information not available)								(ff)
OKLAHOMA--Supreme Court	9	0	0	9	4	12	1[gg]	1	7	43.0
Court of Criminal Appeals	3	0	0	5.5	4	5	0	0	0	17.5
Court of Appeals	6	0	0	6	4	0	0	0	0	16.0
OREGON--Supreme Court	7	(a)	3[hh]	10	1	7	(a)	2[hh]	11[hh]	41.0
Court of Appeals	10	(a)	(hh)	11	3	12	(a)	(hh)	(hh)	36.0
PENNSYLVANIA--Supreme Court	7	(a)	(a)	33	(a)	8	2[ii]	17[jj]	27[jj]	94.0
Superior Court	7	(a)	2	28	3	9	1[ii]	3	10	63.0
Commonwealth Court	9	(a)	(a)	27	(a)	10	1[ii]	7	17	71.0
RHODE ISLAND--Supreme Court	5	0	1	11	5	10	12[kk]	4	1	49.0
SOUTH CAROLINA--Supreme Court	5	0	1	5	6	5	0	2	14	38.0
SOUTH DAKOTA--Supreme Court	5	(a)	(a)	5	1	5	(a)	2	1	19.0
TENNESSEE--Supreme Court	5	(a)	(a)	7	(a)	5	3[ll]	3[mm]	12[mm]	35.0
Court of Appeals	12	(a)	(a)	12	(a)	12	(ll)	(mm)	(mm)	36.0
Court of Criminal Appeals	9	(a)	(a)	9	(a)	9	(ll)	(mm)	(mm)	27.0
TEXAS--Supreme Court	9	(a)	(a)	10	5	15	(a)	6	1	46.0
Court of Criminal Appeals	9	(a)	(a)	18	5	15	(a)	5	(a)	52.0
Court of Civil Appeals	51	(a)	(a)	51	(a)	40	(a)	31	(a)	173.0

UTAH--Supreme Court	5	0	0	10	3	4	(a)	1	(a)	25.0
VERMONT--Supreme Court	5	0	1	5	0	0.3	0	1	2	14.3
VIRGINIA--Supreme Court	7	(a)	1	7	6	8	2[nn]	2	7	40.0
WASHINGTON--Supreme Court	9	1	3	19	(a)	8	1	2	10	53.0
Court of Appeals	16	4	(a)	20	(a)	22	(a)	17	(a)	79.0
WEST VIRGINIA--Supreme Court of Appeals	5	0	0	8	5	8	0	2	2	30.0
WISCONSIN--Supreme Court	7	(Information not available)								
Court of Appeals	12	(Information not available)								
WYOMING--Supreme Court	5	0	0	5	0	6.5	0.5[oo]	2	0	19.0
AMERICAN SAMOA--Appellate Division of the High Court	7[pp]	(Information not available)								
DISTRICT OF COLUMBIA--Court of Appeals	9	0	0	21	3	11	3[qq]	5	18	70.0
PUERTO RICO--Supreme Court	8	14	3	56	(a)	12	9	16	59	177.0

Note: These data are not comparable to judicial employment data published by the Bureau of Justice Statistics in the annual series Expenditure and Employment Data for the Criminal Justice System because of differences in definitions, data collection methodology, and classification schema.

All figures are given as full-time equivalents.

Blank space = Information is not available.

[a] This position does not exist in this court.
[b] The "other court employees" of the Alabama Supreme Court are the staff of the state law library.
[c] The one "other court employee" of the Alabama Court of Criminal Appeals is a reporter of decisions.
[d] Administrative functions for the Court of Appeals are performed by the clerk of the Supreme Court in Alaska.
[e] The three "other court employees" in the Arkansas Supreme Court are a librarian, a librarian assistant, and the criminal justice coordinator.
[f] The four "other court employees" that serve the Colorado Supreme Court are three librarians and one secretary to the law exam board.
[g] The two "other court employees" of the Colorado Court of Appeals are both staff attorneys.
[h] The "other court employee" serving the Delaware Supreme Court is a bailiff.
[i] "Other court employees" serving the Florida Supreme Court are an internal audit coordinator, an assistant to the Chief Justice, 15 security and custodial employees of the Marshall's Office, 4 employees of the Supreme Court library, a traffic courts coordinator, 9 data systems personnel, and 11 employees of the Justice Data Center.
[j] "Other court employees" of the Florida District Courts of Appeal are the 21 employees of the five marshall's office.
[k] "Other court employees" serving the Georgia Supreme Court are the Director of the Office of Bar Admissions and its staff of six.
[l] The one "other court employee" serving the Hawaii Supreme Court is the bailiff.
[m] "Other court employees" of the Indiana Supreme Court are a custodian and a sheriff.
[n] "Other court employees" of the Indiana Court of Appeals are 2 bailiffs, 1 custodian, 1 administrator, and 3 administrative staff personnel.
[o] A total of 11 employees serve as the clerk of court and staff of that office for both the Supreme Court and the Court of Appeals in Indiana.
[p] In Iowa, the central legal staff and the clerk of courts office are shared between the Supreme Court and the Court of Appeals.
[q] The "other court employees" of the Kansas Supreme Court are 9 staff of the law library, 2 word processors, 2 bailiffs, and 5 disciplinary employees.
[r] In Kansas, the Supreme Court and the Court of Appeals share the same court reporters and clerk of court office.

Table 18: Employees of appellate courts, 1980 (continued)

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[s] The "other court employees" of the Kentucky Supreme Court are 7 law clerks, 2 screening attorneys, and 2 staff counsel.

[t] The one "other court employee" of the Louisiana Supreme Court is the bailiff.

[u] The "other court employees" of the Louisiana Court of Appeal are 1 bailiff, 4 porters, and 1-1/3 (FTE) librarians.

[v] "Other court employees" serving the Minnesota Supreme Court are one administrative assistant, one paralegal, one marshall, and one janitor.

[w] The "other court employees" of the Mississippi Supreme Court are one administrative assistant, one porter, and one marshall.

[x] "Other court employees" serving the Missouri Supreme Court and Court of Appeals are marshalls, custodians, and printers.

[y] The one "other court employee" serving the New Hampshire Supreme Court is a deputy sheriff.

[z] Court reporters are assigned to the New Jersey Supreme Court on an "as needed" basis; the nearest FTE is zero.

[aa] Proceedings of the Appellate Division of the New Jersey Superior Court are generally not recorded now. It is anticipated that in the near future these proceedings will be sound recorded.

[bb] Included in the "other court employees" for the New York Court of Appeals and Appellate Divisions of the Supreme Court are clerks and office assistants, stenographic and secretarial personnel, and court security personnel.

[cc] Judges from the Trial Division of the New York Supreme Court serve in the Appellate Terms of the Supreme Court.

[dd] "Other court employees" of the North Carolina Supreme Court include librarians and messengers.

[ee] Listed under "other court employees" for the North Dakota Supreme Court are the employees of the Office of the Court Administrator.

[ff] Each district of the Ohio Court of Appeals hires and supervises its own staff. The Office of the Administrative Director does not maintain records of the number or type of these employees.

[gg] The "other court employee" serving the Oklahoma Supreme Court is the chief legal executive asistant.

[hh] The editors of opinion and the clerk of court and records staff of Oregon serve both the Supreme Court and the Court of Appeals.

[ii] "Other court employees" serving the Pennsylvania Supreme Court, Superior Court, and Commonwealth Court are court criers.

[jj] In addition to the 23 employees in the clerk of court office that directly serve the Pennsylvania Supreme Court, there are also 21 employees (11 clerks, 10 clerical support staff) that serve the Supreme Court committees included in the total.

[kk] "Other court employees" of the Rhode Island Supreme Court include 3 professionals in the central registry, 5 in the state law library, 2 in the state judicial records center, 2 bailiffs, and 1 automobile driver.

[ll] "Other court employees" in the Supreme Court of Tennessee are marshalls. They also serve the Court of Appeals and Court of Criminal Appeals.

[mm] The clerk of the Tennessee Supreme Court and his staff also serve the Court of Appeals and Court of Criminal Appeals.

[nn] "Other court employees" of the Virginia Supreme Court are his law librarian and the assistant law librarian.

[oo] There is 0.5 FTE bailiff employed by the Wyoming Supreme Court.

[pp] There are 4 justices, two of whom also serve the High Court of American Samoa (and are therefore not included here), and not less than 5 associate judges who serve the Appellate Division of the High Court of American Samoa.

[qq] "Other court employees" serving the District of Columbia Court of Appeals are a bailiff, a marshall, and a librarian.

Source: State Court Administrators.

Table 19: Employees of general jurisdiction courts, 1980.
Number of full-time equivalent employees by position, for judicial support and and for the office of the clerk.

		Judicial support						Office of the Clerk		
				Legal staff						
State and court name:	Judges	Trial court administrators and their professional staff	Court reporters	Assigned to individual judges	Central staff	Secretaries and other clerical	Other employees paid by the court	Clerk of Court and professional staff	Secretaries and other clerical	Total personnel
ALABAMA--Circuit Court	113	18	114	28	0	58	74[c]	213	429	1,047.0
ALASKA--Superior Court	21	3[d]	0	16	0	21	0	9[d]	214[d]	284.0
ARIZONA--Superior Court	80	81	90	(a)	(a)	300	748.3[e]	34	389.5	1,722.8
ARKANSAS--Circuit Court	33	0	33		0			76[f]		142.0[a]
Chancery and Probate Court	30	0	30		0			(f)		60.0[a]
CALIFORNIA--Superior Court	607	(Information not available)								(b)
COLORADO--District Court	106	108	103	16	0	90	307[g]	61	243	1,034.0
CONNECTICUT--Superior Court	110	0	130	0	15	26	809[h]	110	316	771.0
DELAWARE--Superior Court	11	3	16	0	6	31	42[i]	(b)	(b)	109.0
Court of Chancery	3	0	2	0	2	6	0	(b)	(b)	13.0
FLORIDA--Circuit Court	302	57	109	(a)	(a)	302	0	(b)	(b)	770.0
GEORGIA--Superior Court	110	17	516[j]	80	0	104	(k)	159	660	1,640.0
HAWAII--Circuit Court	25	0	22	14	0	57	211.5[l]	4	90	423.5
Land Court	(m)									3.0
Tax Appeal Court	(m)									(m)
IDAHO--District Court	99	8	30	7	(a)	(Information not available)				647.0
ILLINOIS--Circuit Court	677	21[n]	522[o]	("Judicial administration" employees in Cook County = 1,632)					(1,915 total[p])	5,746.0
INDIANA--Superior Court	83	(Information not available)								
Circuit Court	88	(Information not available)								

IOWA--District Court	300[q]	(Information not available)								
KANSAS--District Court	210.5	9	106	48	8	65	302[r]	103	619	1,470.5
KENTUCKY--Circuit Court	91	15	90	6	0	63	0	120[s]	1,057[s]	1,442.0
LOUISIANA--District Court	161	11	170	60	0	156	0	325	325	1,208.0
MAINE--Superior Court	14	3	15	4	0	4.6	0	16	53.7	110.3
MARYLAND--Circuit Court	97	11	101	90	0	92	405	29	876	1,701.0
MASSACHUSETTS--Housing Court Department .	3	3	0	0	(t)	(t)	9	6	(t)	41.0[t]
Land Court Department	3	1	0	0	(t)	(t)	2	44	(t)	68.0[t]
Probate and Family Court Department	33	4	0	0	(t)	(t)	145	62	(t)	501.0[t]
Boston Municipal Court Department	9	2	(t)	0	(t)	(t)	46	40	(t)	187.0[t]
Juvenile Court Department	7	3	0	0	(t)	(t)	90	13	(t)	164.0[t]
District Court Department	153	13	(t)	0	(t)	(t)	810	243	(t)	2,347.0[t]
Superior Court Department	56	79	47	22	(t)	(t)	465	125	(t)	1,036.0[t]
MICHIGAN--Circuit Court	147	(Information not available)								2,110.0
Recorder's Court of Detroit	26	(Information not available)								681.0
MINNESOTA--District Court	72	20	88.5	34	19	(u)	12[v]	88	735	1,068.5
MISSISSIPPI--Circuit Court	30	3	36	(Information not available)				82		
Chancery Court	35	0	41	(Information not available)				82		
MISSOURI--Circuit Court	300	5	131	7[w]	8	40	43[w]	162	1,377	2,073.0
MONTANA--District Court	32	(Information not available)								
NEBRASKA--District Court	45	0	45	0	0	200	150	75	0	515.0
NEVADA--District Court	29	4	4	25.5[x]	0	31.5	16	(y)	(y)	108.0
NEW HAMPSHIRE--Superior Court	15	0	18	6	3	3	0	20	67	132.0
NEW JERSEY--Superior Court	214	143[z]	255	163	3	209	2,667	7	2,058	5,741.0
NEW MEXICO--District Court	44	11	45	0	0	44	150	13	160	467.0
NEW YORK--Supreme Court and County Court	367	142	560	173	0	733	2,407[aa]	80	0	4,436.0
NORTH CAROLINA--Superior Court	66	5	61	0	274[bb]	30	144[cc]	100	1,370	2,050.0
NORTH DAKOTA--District Court	24	6	24	(a)	(a)	(Information not available)				

Table 19: Employees of general jurisdiction courts, 1980 (continued)

		Judicial support						Office of the Clerk		
				Legal staff						
State and court name:	Judges	Trial court administrators and their professional staff	Court reporters	Assigned to individual judges	Central staff	Secretaries and other clerical	Other employees paid by the court	Clerk of Court and professional staff	Secretaries and other clerical	Total personnel[1]
OHIO--Court of Common Pleas	313	(Information not available)								(b)
OKLAHOMA--District Court	198	2	138	0	0	8	98[dd]	77	487	1,002.0
OREGON--Circuit Court	75	3	75	(ee)	0	(ee)	(ee)	(ee)	(ee)	210.0[ee]
Tax Court	1	0	1	1	0	0	0	1	1	5.0
PENNSYLVANIA--Court of Common Pleas	285	(Information not available)								
RHODE ISLAND--Superior Court	19	2	23	0	6	13	11[ff]	36	26	134.0
SOUTH CAROLINA--Circuit Court	31	(a)	44	26	(a)	30	(a)	(a)	(a)	131.0
SOUTH DAKOTA--Circuit Court	141[hh]	2	41	0	5	12	94[gg]	64.4	99.1	353.5
TENNESSEE--Circuit Court	58	0	56	0	0	45	(b)	(b)	(b)	
Criminal Court	26	0	(serves	0	0	17	(b)	(b)	(b)	
Chancery Court	27	0	all	0	0	23	(b)	(b)	(b)	
Equity Court	5	0	courts)	0	0	2	(b)	(b)	(b)	
TEXAS--District Court	310	(Information not available)								
UTAH--District Court	24	7	24	0	2	8	(Information not available)			
VERMONT--Superior Court	38	0	11	0	3	6	0	14	26.5	68.5
VIRGINIA--Circuit Court	111	(Information not available)								
WASHINGTON--Superior Court	118	(Information not available)								
WEST VIRGINIA--Circuit Court	60	1	65	2	0	57	77[ii]	(b)	(b)	262.0
WISCONSIN--Circuit Court	190	(Information not available)								
WYOMING--District Court	15	0	15	3	2	6.5	0	23	(b)	64.5

DISTRICT OF COLUMBIA--Superior Court......	44	34	38	88	6	255	436[jj]	5	8	914.0
PUERTO RICO--Superior Court	92	21	124	124	0	149	373	431	101	1,415.0
AMERICAN SAMOA--High Court	7[kk]	(Information not available)								
GUAM--Superior Court	5	0	4	0	3	6	50	16	8	92.0

Note: These data are not comparable to judicial employment data published by the Bureau of Justice Statistics in the annual series Expenditure and Employment Data for the Criminal Justice System because of differences in definitions, data collection methodology, and classification schema.

All figures are given as full-time equivalents.

Blank space = Information is not available.

[a] This position does not exist in this court.

[b] People serving this function in this court are funded by local, usually county government and therefore are not considered employees of the state-level judiciary. Data concerning their numbers is not available to the state-level administrative office.

[c] The "other court employees" of the Alabama Circuit Court are 72 bailiffs and 2 "grandfathered" magistrates.

[d] Trial court administrators and the clerk of court offices serve both the general and limited jurisdiction courts in Alaska.

[e] "Other court employees" of the Arizona Superior Court are 75 bailiffs, 14 library personnel, 413 probation officers, 156.25 probation services support personnel, 26 juvenile custodial support staff, and 64 other support personnel.

[f] The 76 professional employees of the Office of the Clerk of the Arkansas Circuit Court also serve the Chancery and Probate Court.

[g] The Colorado District Court employs 48 bailiffs, 179 probation officers, and 80 probation clerks.

[h] "Other court employees" of the Connecticut Superior Court include 64 employees divided among the central records and revenue accounting staffs, interpreters, the grievance committee, and the bail committee, and 745 employees of the separately budgeted Adult Probation and Family Divisions of the Court.

[i] The Delaware Superior Court employs 1 FTE jury commissioner (6 actual people), 16 presentence officers, 19 bailiffs, and 6 scheduling officers.

[j] There are 516 court reporters serving all courts, both of general and limited jurisdiction in Georgia. Of these, 140 are court appointed.

[k] The probation function in the State of Georgia is funded by the Executive branch in most locations. A few counties have independent probation offices.

[l] "Other court employees" serving the Hawaii Circuit Court including bailiffs, key equipment operators, computer operators, social workers, translators, offset press operators, court fiscal officers, and statistics clerks.

[m] The employment data for the Hawaii Land Court and Tax Appeal Court are included with the Circuit Court data.

[n] There are seven court administrators and 14 administrative secretaries who perform the function of court administrators in Illinois. None of their professional staffs are included in this figure.

[o] This figure does not include 14 part-time court reporters.

[p] There are a total of 1,814 employees of the Clerk of Circuit Court in Cook County, and 101 in the rest of the state.

[q] There are 92 full-time and 3 part-time district judges, 13 district associate judges, and 26 regular and special full-time and 166 part-time magistrates in the Iowa District Court.

[r] "Other court employees" serving the Kansas District Court are 292 court services officers, 2 psychologists, 3 bailiffs, 2 programmers, and 3 systems analysts.

[s] Clerks and their deputies serve both the Circuit Court and the District Court, the court of limited jurisdiction, in Kentucky.

[t] Data for court reporters, central legal staff, and secretaries and other clerical staff who provide judicial support or work in the Clerk of Court's office in the various departments of the Trial Court of Massachusetts are not available pending a job classification study. The total number of these employees is included in the number of total personnel by department of court.

Table 19: Employees of general jurisdiction courts, 1980 (continued)

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[u] Clerical support for judicial functions is provided by the Clerk of Court's office and is included in the clerk's budget in Minnesota.

[v] There are 12 FTE referees in the Minnesota District Court.

[w] There are 50 commissioners in the Missouri Circuit Court: seven serve on the legal staff assigned to individual judges; the remainder are listed under "other court employees."

[x] Eight of the law clerks in the Nevada District Court also serve as bailiffs.

[y] County clerks also serve as clerks of the District Court in Nevada. An estimate of the amount of time they spend performing this function is not available.

[z] The 143 figure for trial court administration in the New Jersey Superior Court includes those serving the courts of limited jurisdiction.

[aa] Included under "other court employees" for the Supreme Court and County Court of New York are clerks, office assistants, stenographic, secretarial, and court security personnel.

[bb] Central legal staff of the North Carolina Superior Court includes district attorneys, public defenders, and their assistants.

[cc] The figure given under "other court employees" for the North Carolina Superior Court is for the staff of the district attorneys' offices including secretaries, investigators, and administrative assistants.

[dd] The 98 "other court employees" of the Oklahoma District Court are all bailiffs.

[ee] Data for Oregon Circuit Court legal staff, other court employees, clerks of court, and all secretaries and other clerical staff are estimated to be approximately 57 employees. No breakdown by job classification is available. The Oregon State Court Administrator notes that only a few circuit judges have law clerks.

[ff] "Other court employees" for the Rhode Island Superior Court are the 7 professionals and 4 clericals on the Jury Commission.

[gg] "Other court employees" of the South Dakota Circuit Court are 14 bailiffs, 62.5 probation officers, and 17.5 probation secretaries.

[hh] There are 36 judges, 7 full-time and 11 part-time lawyer magistrates, 22 lay magistrates, and 65 clerk/lay magistrates serving the South Dakota Circuit Court.

[ii] The "other court employees" in the West Virginia Circuit Court are 59 probation officers and 18 probation support personnel.

[jj] The "other court employees" of the District of Columbia Superior Court include court clerks, nurses, accounting and budgeting, personnel, and procurement employees, social services aides, and physicians.

[kk] The High Court of American Samoa is served by 2 justices of the Appellate Division of the High Court and "not less than" 5 judges.

Source: State Court Administrators.

Table 20: Law clerks for courts of last resort, 1980. Number, method of selection, legal training, length of service, and salary.

	Number		Selected by			Replacements		
State	Serving	Authorized	Court	Individual judge	Law degree	Annual	Discretionary	Salary
ALABAMA	12	12		X	X	Usually		$16,500
ALASKA	11	11		X	X	Usually		$20,544 to $23,796
ARIZONA	10	10		X	X	Usually		$18,283
ARKANSAS	7	7		X	X	Usually		$12,000
CALIFORNIA	33	33		X	X		X	$21,900 to $57,984
COLORADO	8	8		X	X	Usually		$14,928
CONNECTICUT	7	7		X	X	Usually		$17,000
DELAWARE	3	3	X		X	X		$13,412
FLORIDA	14	14		X[c]	X		X	$16,057 to $28,603
GEORGIA	14	14	X	X	X[a]		X	$11,831 to $33,842
HAWAII	12	12		X	X		X	$17,508
IDAHO	10	10		X	X	X		$11,500 to $13,000
ILLINOIS	14	14		X	X		X	$19,000 to $20,000
INDIANA	8	10		X		Two years	X	$10,400 to $16,400
IOWA	9	9		X	X		X	$16,500
KANSAS	7	7		X	X	Two years		$15,000 to $16,000
KENTUCKY	7	7		X[c]	X[a]		X	$11,976
LOUISIANA	26	26	X(5)	X(21)	X		X	$22,533
MAINE	7	7	X		X	X		$14,900
MARYLAND	8	8		X	X	X		$19,300
MASSACHUSETTS	14	No limit		X		X		$19,964
MICHIGAN	17	17		X	X	Two years		$17,121 to $21,087
MINNESOTA	19	19		X	X	Usually		$19,648
MISSISSIPPI	12	No limit	X		X	X		$13,980
MISSOURI	7	25		X	X		X	$16,000
MONTANA	14	14	(b)		X	X		$14,700
NEBRASKA	7	7		X	X		X	$12,981
NEVADA	6	6		X	X	X		$17,900 to $19,000
NEW HAMPSHIRE	5	5	X	X	X	X		$12,530
NEW JERSEY	15	15		X	X	X		$16,682
NEW MEXICO	5	5		X	X	X		$12,792 to $17,988
NEW YORK	22	22	X(7)	X(15)	X	Two years	X	$22,093 to $33,611
NORTH CAROLINA	8	8		X	X	X		$17,820
NORTH DAKOTA	5	5	X		X[a]	X		$14,400
OHIO	11	11		X	X		X	$19,677 to $23,650

State	Number		Selected by		Law degree	Replacements		Salary
	Serving	Authorized	Court	Individual judge		Annual	Discretionary	
OKLAHOMA:								
Supreme Court	9	9		X	X		X	$19,800 to $28,589
Court of Criminal Appeals	4	4		X	X		X	$19,800 to $28,589
OREGON	9	9		X	X	Usually		$17,885
PENNSYLVANIA	20	20		X	X		X	$16,000 to $17,500
RHODE ISLAND	11	11		X	X	X		$11,429
SOUTH CAROLINA	5	5		X	X		X	$12,000 to $20,000
SOUTH DAKOTA	5	5		X	X		X	$13,500
TENNESSEE	26	26		X	X	X		$15,510
TEXAS:								
Supreme Court	10	10	X		X	X		$15,372
Court of Criminal Appeals	9	9		X	X[a]	Usually		$15,372
UTAH	13	13	X(3)	X(10)	X		X	$15,000 to $30,000
VERMONT	5	5			X	X		$10,400 to $14,000
VIRGINIA	13	13	X	X	X		X	$18,672 to $19,422
WASHINGTON	10	10		X	X		X	$19,020 to $24,348
WEST VIRGINIA	14	14	X	X	X		X	$20,000 to $30,828
WISCONSIN	7	7		X	X		X	$19,200
WYOMING	5	5	X		X		X	$16,350 to $19,620
DISTRICT OF COLUMBIA .	24	24		X	X	X		$18,258
PUERTO RICO	9	10		X	X[a]		X	$14,400

X = Affirmative.

[a] Must be admitted to the bar.

[b] Section is by a committee of the court; appointment is by the chief justice. The committee interviews students of Montana's only law school who are about to graduate. Any member of the court is free to join the committee at interviews. The court accepts recommendations of the committee and assigns clerks to individual judges.

[c] Selected by individual judge but confirmed by court.

[d] Must pass Vermont bar exam.

Source: State Court Administrators.

Table 21: Description of state-level court administrative office, 1980. Year authorized, authorization, date first administrator appointed, and amount and sources of total expenditures.

State	Year administrative office authorized	Authorization for office	Date first administrator appointed	Expenditure of state-level administrative office		Source of total expenditures					
				$ Amount	For year ending:	Operation of office			Programs administered by office		
						State	Federal	Other	State	Federal	Other
ALABAMA	1971	Constitution and statute	1971	$ 2,220,815	9/78	79%	21%	0%	0%	0%	0%
ALASKA	1959	Constitution	1959	$ 2,510,453	6/79	100%	0%	0%	94%	6%	0%
ARIZONA	1960	Constitution	1960	(Information not available)		92%	8%	0%	100%	0%	0%
ARKANSAS	1965	Statute	1965	$ 451,187	6/79	68%	32%	0%	0%	100%	0%
CALIFORNIA	1960	Constitution	1960	(Information not available)		100%	0%	0%	12%	62%	26%
COLORADO	1971	Constitution and statute	1959	$ 2,383,000	6/79	84%	9%	7%	99%	<1%	<1%
CONNECTICUT	1965	Statute	1965	(Information not available)		78%	22%	0%	(Information not available)		
DELAWARE	1971	Statute	1971	$ 2,450,900	6/79	98%	2%	0%	(Information not available)		
FLORIDA	1972	Constitution	1972	$ 872,033	6/79	100%	0%	0%	27%	73%	0%
GEORGIA	1973	Statute	1973	$ 1,395,844	6/79	54%	43%	3%	0%	0%	0%
HAWAII	1959	Statute	1959	$ 1,700,243	6/79	100%	0%	0%	8%	15%	0%
IDAHO	1967	Statute	1967	(Information not available)		100%	0%	0%	100%	0%	0%
ILLINOIS	1959	Constitution	1959	$ 1,900,582	6/79	91%	9%	0%	91%	9%	0%
INDIANA	1968	Statute	1968	(Information not available)		100%	0%	0%	0%	0%	0%
IOWA	1971	Statute	1971	$ 489,631	6/79	93%	7%	0%	0%	0%	0%
KANSAS	1965	Statute	1965	$ 439,749	6/79	100%	0%	0%	72%	28%	0%
KENTUCKY	1976	Statute	1954	$39,827,548	6/79	95%	5%	0%	98%	2%	<1%
LOUISIANA	1954	Constitution and statute	1954	$ 324,644	6/79	60%	40%	0%	8%	92%	0%
MAINE	1975	Statute	1975	$ 233,636	6/79	100%	0%	0%	10%	90%	0%
MARYLAND	1955	Statute	1955	$ 8,831,311	6/79	88%	12%	0%	94%	6%	0%
MASSACHUSETTS...	1956	Statute	1956	$ 974,391	6/80	76%	24%	0%	0%	0%	0%
MICHIGAN	1952	Constitution	1952	$22.575,284	9/79	100%	0%	0%	99%	1%	0%
MINNESOTA	1963	Statute	1963	$ 1,064,383	6/79	70%	30%	0%	13%	87%	0%
MISSISSIPPI	1974	Court rule	1974	$ 189,792	6/79	12%	88%	0%	10%	90%	0%
MISSOURI	1970	Constitution	1970	$20,103,339	6/79	81%	19%	0%	96%	4%	0%
MONTANA	1975	Statute	1975	(Information not available)							
NEBRASKA	1972	Constitution	1972	$ 770,100	6/80	100%	0%	0%	60%	40%	0%
NEVADA	1977	Court rule	1971[a]	$ 237,839	6/79	100%	0%	0%	91%	6%	2%
NEW HAMPSHIRE...	(Not applicable)			$ 325,300	6/80	51%	49%	0%	10%	90%	0%

State	Year administrative office authorized	Authorization for office	Date first administrator appointed	Expenditure of state-level administrative office		Source of total expenditures					
						Operation of office			Programs administered by office		
				$ Amount	For year ending:	State/	Federal/	Other	State/	Federal/	Other
NEW JERSEY	1948	Constitution	1948	$26,519,468	6/80	100%	0%	0%	95%	5%	0%
NEW MEXICO	1959	Statute	1959	$ 2,613,000	6/79	100%	0%	0%	29%	71%	0%
NEW YORK	1978	Constitution	1955	$ 7,192,545	3/79	100%	0%	0%	100%	0%	0%
NORTH CAROLINA .	1965	Constitution and statute	1954	$64,830,830	6/79	100%	0%	0%	96%	4%	0%
NORTH DAKOTA ...	1971	Constitution and statute	1971	$ 341,232	6/79	98%	2%	0%	40%	60%	0%
OHIO	1955	Constitution and statute	1955	$ 1,644,976[b]	6/79	100%	0%	0%	100%	0%	0%
OKLAHOMA	1967	Constitution	1967	$10,232,385	6/79	98%	2%	0%	98%	2%	0%
OREGON	1971	Statute	1971	$ 6,250,000	6/79	100%	0%	0%	95%	5%	0%
PENNSYLVANIA ...	1968	Constitution	1968	$66,314,000	6/79	72%	28%	0%	61%	39%	0%
RHODE ISLAND ...	1969	Statute	1969	$ 904,684	6/79	71%	29%	0%	13%	87%	0%
SOUTH CAROLINA .	1973	Constitution	1973	$ 9,453,353	6/79	96%	4%	0%	100%	0%	0%
SOUTH DAKOTA ...	1974	Constitution	1974	$ 408,871	6/79	100%	0%	0%	30%	70%	0%
TENNESSEE	1963	Statute	1964	$ 677,600	6/79	41%	59%	0%	41%	59%	0%
TEXAS	1977	Statute	1977	$ 392,328	9/79	71%	29%	0%	0%	0%	0%
UTAH	1973	Statute	1973	$ 337,400	6/79	73%	27%	0%	5%	95%	0%
VERMONT	1967	Statute	1967	$ 244,200	6/79	78%	22%	0%	78%	22%	0%
VIRGINIA	1952	Statute	1952	$32,677,537	6/79	84%	16%	0%	98%	2%	0%
WASHINGTON	1957	Statute	1957	$ 7,354,000	7/80	65%	33%	2%	100%	0%	0%
WEST VIRGINIA ..	1945	Statute	1975	$ 424,919	6/79	100%	0%	0%	100%	0%	0%
WISCONSIN	1962	Statute	1962	(Information not available)							
WYOMING	1974	Court rule	1974	$ 78,655	6/79	87%	13%	0%	2%	98%	0%
AMERICAN SAMOA .	1977	Court rule	1977	$ 41,501	9/79	20%	69%	11%	0%	0%	100%
DISTRICT OF COLUMBIA	1971	Statute	1971	$ 2,675,200	9/79	0%	0%	100%	0%	0%	0%
GUAM	(Information not available)			$ 553,243	9/79	94%	6%	0%	96%	4%	0%
PUERTO RICO	1952	Statute	1952	$ 4,137,412	6/79	99%	1%	0%	99%	1%	0%
VIRGIN ISLANDS .	1973	Statute	1973	(Information not available)							

Note: Figures were rounded to the nearest whole number or percent.

[a] The position of Director of the Administrative Office of the Courts in Nevada was vacant from 1973 to 1977.
[b] This figure is an aggregate amount for several agencies, one of which is the state court administrative office.

Source: State Court Administrators; NCSP staff search of statutes.

Table 22: Personnel of state-level court administrative office, 1980. Number of full-time equivalent professionals by position.

State	Number of full-time equivalent professionals by function								
	Total staff	Management activities	Information system activities	Court support services	Finance and budget activities	Education and training activities	Personnel services	Public information and liaison activities	Planning and research activities
ALABAMA	40.0	7.0	6.0	10.0	8.0	2.0	5.0	1.0	1.0
ALASKA	32.8	1.5	5.5	1.5	8.5	8.5	5.0	1.0	1.2
ARIZONA	14.0	2.0	0.5	6.0	1.0	1.0	1.0	0.3	2.2
ARKANSAS	10.0	2.0	3.6	0.0	1.4	0.8	0.6	0.4	1.2
CALIFORNIA	54.0	10.0	1.0	7.0	11.0	4.0	2.0	0.0	18.0
COLORADO	40.0	2.8	11.8	4.8	11.0	2.0	2.2	0.5	5.0
CONNECTICUT	51.0	5.0	13.0	14.0	6.0	2.0	4.0	1.0	6.0
DELAWARE	11.6	2.0	7.6	0.0	1.0	0.0	1.0	0.0	2.0
FLORIDA	13.0	2.0	0.0	0.0	3.0	2.0	1.0	1.0	4.0
GEORGIA	19.0	1.6	2.6	4.1	2.4	2.8	0.4	1.3	3.8
HAWAII	29.0	2.0	9.0	0.0	6.0	3.0	5.0	2.0	2.0
IDAHO	5.0	1.0	2.0	0.0	1.0	1.0	0.0	0.0	0.0
ILLINOIS	11.0	1.1	1.3	1.6	1.3	1.4	1.0	1.5	1.8
INDIANA	2.0	2.0*	0.0	0.0	0.0	0.0	0.0	0.0	0.0
IOWA	15.5	1.0	2.0	0.0	2.5	0.5	0.0	0.0	9.5
KANSAS	12.0	1.0	1.9	1.3	2.0	1.0	2.9	0.9	1.0
KENTUCKY	284.0	1.0	17.8	213.5	25.0	12.0	6.0	1.0	7.8
LOUISIANA	7.8	1.3	2.0	0.0	1.0	0.0	0.0	1.0	2.5
MAINE	11.0	1.0	0.5	5.0	1.6	0.2	1.2	0.0	1.5
MARYLAND	28.5	3.5	11.0	4.0	0.8	3.5	0.7	0.0	5.0

State	Total staff	Management activities	Information system activities	Court support services	Finance and budget activities	Education and training activities	Personnel services	Public information and liaison activities	Planning and research activities
	Number of full-time equivalent professionals by function								
MASSACHUSETTS.........	45.0	2.0	18.0	1.0	13.0	1.0	4.0	1.8	4.2
MICHIGAN	72.0	9.0	44.0	3.0	3.0	6.0	4.0	3.0	0.0
MINNESOTA	27.2	1.0	13.0	0.0	2.2	2.0	0.8	1.5	5.7
MISSISSIPPI	5.0	1.0	0.5	0.0	1.0	0.0	0.0	0.1	2.4
MISSOURI	28.5	1.0	9.4	3.3	5.4	2.6	2.4	1.5	2.8
MONTANA	(Information not available)								
NEBRASKA	4.0	4.0[a]	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEVADA	7.0	1.8	0.0	0.0	2.2	1.0	0.0	0.0	2.0
NEW HAMPSHIRE.........	4.0	0.4	0.3	0.6	1.2	0.4	0.0	0.2	1.0
NEW JERSEY	75.0	2.0	5.0	29.0	8.0	7.0	6.0	1.0	17.0
NEW MEXICO	15.0	2.0	4.0	1.0	5.0	1.0	1.0	0.5	0.5
NEW YORK	216.0	9.4	49.6	16.6	38.6	9.0	37.0	2.5	53.4
NORTH CAROLINA	46.0	3.0	22.0	7.0	7.0	1.0	2.0	0.0	4.0
NORTH DAKOTA	5.0	1.0	0.5	0.0	1.0	0.5	0.0	0.0	2.0
OHIO	5.9	1.2	1.2	0.5	1.8	0.3	0.4	0.3	0.2
OKLAHOMA	4.0	2.0	1.0	0.0	1.0	0.0	0.0	0.0	0.0
OREGON	11.0	1.0	4.0	0.0	2.0	1.0	0.0	1.0	2.0
PENNSYLVANIA	27.0	1.0	7.0	3.0	3.0	3.5	2.5	1.0	6.0
RHODE ISLAND	27.0	1.2	16.4	1.4	3.2	0.6	1.4	0.4	2.4
SOUTH CAROLINA	11.0	5.0	3.0	1.0	0.0	1.0	0.0	0.0	1.0

Table 22: Personnel of state-level court administrative office, 1980 (continued)

State	Total staff	Management activities	Information system activities	Court support services	Finance and budget activities	Education and training activities	Personnel services	Public information and liaison activities	Planning and research activities
	Number of full-time equivalent professionals by function								
SOUTH DAKOTA	10.0	1.0	2.0	1.0	3.0	1.0	1.0	0.0	1.0
TENNESSEE	16.0	1.0	4.0	0.0	6.0	1.0	1.5	1.0	1.5
TEXAS	7.0	1.0	1.2	0.5	1.2	0.0	0.3	1.0	1.8
UTAH	4.0	1.2	0.2	0.5	0.8	0.2	0.2	0.2	0.5
VERMONT	7.0	1.0	0.6	0.8	2.3	0.4	0.5	0.2	1.1
VIRGINIA	19.5	2.0	4.0	3.0	4.0	1.0	2.0	0	3.5
WASHINGTON	52.0	39.0	9.0	4.5	3.0	1.5	1.5	1.5	7.5
WEST VIRGINIA	5.0	5.0*	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WISCONSIN	(Information not available)								
WYOMING	3.0	0.2	0.0	0.2	1.2	0.5	0.0	0.2	0.7
AMERICAN SAMOA........	(Information not available)								
DISTRICT OF COLUMBIA	104.0	2.0	14.0	49.0	17.0	1.0	4.0	2.0	15.0
GUAM	13.0	0.6	0.0	0.0	8.0	0.6	1.8	0.5	1.6
PUERTO RICO	137.0	5.0	18.0	36.0	16.5	7.0	20.0	5.0	29.5
VIRGIN ISLANDS	(Information not available)								

Note: All figures on this chart represent full-time equivalent (FTE) persons and were rounded to nearest tenth.

*In this office, administrative personnel (the director and deputies or assistants) perform all functions.

Source: State Court Administrators.

Table 23: Functions of state-level court administrative office, 1980. Management and information system activities, court support services, finance and budget, personnel, education and training, public information and liaison, and planning and research activities.

Activities and services	AL	AK	AZ	AR	CA	CO	CT	DE
MANAGEMENT ACTIVITIES:								
Appears before legislative committees dealing with court-related legislation	A	A	SI	A	A	A	A	
Obtains sponsors for legislation relating to work	A	A		A	A	A	A	
Represents judiciary before agencies of the executive branch	A	A		A	A	A	A	S
Recommends to court of last resort the creation or dissolution of judgeships	GL	A				A		
Recommends to the court of last resort the assignment of judges	GL	A		G		A	IG	
Nominates trial court administrators for selection by trial courts	GL	G				A	G	
INFORMATION SYSTEMS ACTIVITIES:								
Responsible for records management systems	GL	A			SI	A	SIG	
Responsible for managing data processing	GL	A		SI	SI	A	SIG	A
Responsible for forms design	GL	A		SIG	A	A	SIG	
Responsible for managing information systems	GL	A	S	SIG		A	SIG	A
Establishes records for automated administrative systems	GL	A		SI	SI	A	SIG	A
Responsible for budgeting financial requirements of state information system	GL	A		SI		A	SIG	A
Responsible for statewide inventory control of facilities/equipment	GL	A			SI	A	SIG	S
COURT SUPPORT SERVICES:								
Provides secretariat services to boards and committees	A		S	SIG		A	A	A
Researches court organization and function	GL	A		A	A	A	A	
Supplies reports and documents to the legislature as required	GL	A	S	A	A	A	A	A
Provides technical assistance to court jurisdiction	IGL		I	IGL	IGL	GL	IGL	
Manages physical facilities for courts		A		A		SI	SIG	A
Supervises probation services						A	A	
Supervises court reporter services	GL					A	SIG	
Responsible for managing indigent defense						A		
Assists court in exercise of its rule making function	A	A		S	A		SIG	
FINANCE AND BUDGET ACTIVITIES:								
Prepares budget for submission to the court of last resort		A	S		SI	A	A	S
Conducts audit of judicial expenditures		A				A	SIG	
Requires accounting and budget report from the courts		A	A		A	A	SIG	
Approves requisitions for capital equipment/construction	GL	A	S		A	A	SIG	
Determines compensation for nonjudicial court personel	GL	A				A	SIG	
PERSONNEL SERVICES:								
Establishes qualifications for nonjudicial court personnel	GL	A				A	SIG	
EDUCATION AND TRAINING ACTIVITIES:								
Responsible for judicial training programs and seminars	A	A	A	A	A	A	SIG	
Responsible for nonjudicial training programs and seminars	A	A		A	A	A	SIG	
Responsible for managing state law libraries		A						
PUBLIC INFORMATION AND LIAISON ACTIVITIES:								
Disseminates information on court operations to the media and public	A	A	A	A	A	A	A	A
Disseminates information on court decisions to the media and public		A		SI	SI		A	A
PLANNING AND RESEARCH ACTIVITIES:								
Responsible for court planning and grant management	GL	A	S	SI		A	SIG	A
Collects/analyzes/publishes court caseload statistics	GL	A	A	A	A	A	SIG	A
Requires caseload reports from the courts	GL	A	A	A	A	A	SIG	A
Collects statistics on expenditures of state	GL	A				A	A	

Key:

A = All courts
S = Courts of last resort
I = Intermediate appellate courts
G = Courts of general jurisdiction
L = Courts of limited or special jurisdiction

FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV
A	GL	A	A	A	A	A	A	A	A	A	A	GL	A	A	A	A	(Information not available)	A	S
A	GL	A	A	A		A	A	A	A		A	GL		A	A			A	
A		A	A	A	A	A	A	A	A	A	A	GL	A	A	A	A		A	A
A	G	A	A	A			A	A	A		A		A	A				A	A
	G	A	A	A	GL	A	A	A	A		G		A	A		A			SG
											G								
	GL	A	A	A	A	SI		A		A				A		G		SL	A
	GL	A	A			SI	S	A	S	A		GL	A	A		IG		SL	A
	GL	A	A	IG	GL	SI		A				GL	A	A		G		SL	A
	GL	A	A		GL	SI	A	A	A	A	GL	GL	A	A	G	A		SL	A
		A	A			SI	S	A	S	A		GL	A	A		G		SL	A
	GL	A	A	SI				A		A	GL	GL	A	A	G	A		SL	A
S	GL	A	S	SI		SI		A		A	SI	GL		A		S		SL	A
A	A	A		A	A	A	A	A	A	A	A		A	S	A	A		A	A
A	GL	A	A	A		A	A	A	A		A	GL	A	A	A	A		A	A
A	GL	A	A	A	A	A	A	A	A	A	A	GL	A	A	A	A		A	A
IGL	GL			IG			IGL	IGL	IGL	GL	IG	GL	A			IG			GL
		A		SI		SI		A			SI	GL							
				G								GL							
GL	GL		G	G				A		SG		GL	A						
												GL				A			
A		A	A	S		SI	S	A	S			GL	S	A		S		S	
SGL		A	A	SI		A	A	A	A	A	A	GL	A	S		A		SL	S
		A		SI		SI					A	GL		A					S
GL		A		SI	GL	SI				A		GL	A	S		A		A	S
		A		SI		SI		A		A	SIL	GL						SL	S
A				SI		SI		A				GL		S				SL	
A		A		SI		SI		A		A		GL		S				SL	
A		A	A	A		A		A			A	GL	A	A		A			A
A	GL	A		G				A		A	G	GL	A	A		A			A
		A	A			SI		A				GL							
A	GL	A	A	A	A	A	A	A	A	A		GL	A	A		A		A	A
						A	A		A			GL							
A	GL	A	A	A		A	A	A	A	A	A	GL		A		A		S	A
A	GL	A	A	A	A	A	A	A	A	A	A	GL	A	A	GL	A		A	A
A		A	A	A		A	A	A	A	A	A	GL	A	A	GL	A		A	A
A					A	A	A	A	A	A	A	GL		A		A		A	S

Table 23: Functions of state-level court administrative office, 1980 (continued)

Activities and services	NH	NJ	NM	NY	NC	ND	OH	OK
MANAGEMENT ACTIVITIES:								
Appears before legislative committees dealing with court-related legislation	A	A	A	A	A	A	SIG	A
Obtains spons[illegible] for legislation relating to work	A			A	A	SG		A
Represents judiciary before agencies of the executive branch		SIG	A	A	A	A	SIG	A
Recommends to court of last resort the creation or dissolution of judgeships		A	A		GL	G		G
Recommends to the court of last resort the assignment of judges		A	A		GL		A	A
Nominates trial court administrators for selection by trial courts					GL	G		
INFORMATION SYSTEMS ACTIVITIES:								
Responsible for records management systems	A	A	GL	A	A	A	S	G
Responsible for managing data processing	A		GL	A	A	A	S	
Responsible for forms design	A	A	GL	G	A	A	S	G
Responsible for managing information systems	A	A	GL	A	A	A	S	G
Establishes records for automated administrative systems	A		GL	A	GL			
Responsible for budgeting financial requirements of state information system	A	A	GL	A	A	SG		A
Responsible for statewide inventory control of facilities/equipment			L	A	A	S	S	A
COURT SUPPORT SERVICES:								
Provides secretariat services to boards and committees				A	A	A	A	A
Researches court organization and function	A	A	A	A	A	A		A
Supplies reports and documents to the legislature as required								
Provides technical assistance to court jurisdiction	A	A	A	A	A	A	A	A
Manages physical facilities for courts		IGL	GL	IGL	GL	G		G
Supervises probation services		SI	S	SIG		S	S	
Supervises court reporter services		A	G		L			
Responsible for managing indigent defense		A	G	A	GL			G
Responsible for managing indigent defense					A			
Assists court in exercise of its rule making function		A		IGL	GL	S		
FINANCE AND BUDGET ACTIVITIES:								
Prepares budget for submission to the court of last resort	S	SIG	IGL	A	A	SG		A
Conducts audit of judicial expenditures			GL	A	A	SG		
Requires accounting and budget report from the courts			GL	A	A	SG		G
Approves requisitions for capital equipment/construction				SIG	A	S		G
Determines compensation for nonjudicial court personnel	S	SI	A	A	A	S		
PERSONNEL SERVICES:								
Establishes qualifications for nonjudicial court personnel	S		A	A	A	SG		
EDUCATION AND TRAINING ACTIVITIES:								
Responsible for judicial training programs and seminars	A	A	A	IGL	A	A		A
Responsible for nonjudicial training programs and seminars	A	A	A	GL	GL	A		A
Responsible for managing state law libraries		A		GL			S	
PUBLIC INFORMATION AND LIAISON ACTIVITIES:								
Disseminates information on court operations to the media and public	A	A	A	A	A	A	S	
Disseminates information on court decisions to the media and public		A			A			
PLANNING AND RESEARCH ACTIVITIES:								
Responsible for court planning and grant management	A	A	A	GL	A	A		A
Collects/analyzes/publishes court caseload statistics		A	G	A	A	A	A	A
Requires caseload reports from the courts		A		A	A	A	A	A
Collects statistics on expenditures of state		A		A	A	A		A

Key:

A = All courts
S = Courts of last resort
I = Intermediate appellate courts
G = Courts of general jurisdiction
L = Courts of limited or special jurisdiction

OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	AS	DC	GU	PR	VI
A	A	A	A	A	SIG	A	A	A	A	A	A	(Information not available)	SL		A	G	A	
A	A	A	A	A	SIG	A	A	A	A	A	A		SL				A	
A	A	A	A	A	SIG	A	GL	A	A	A	A		SL		A	G	A	A
GL	IGL		GL					GL	A	IG	A						A	
GL	GL	A	GL		SIG			GL	A	G	A						A	
							GL								G			
SI	A		GL	A			GL	A	A	A	A		S	A	A	G	A	
SI	SI	A	GL	A	SIG		GL	A	A	A	A				A		A	
SI	IL	A	GL	A			GL	GL	A	A	A				A		A	
A	SI	A	GL	A	SIG		GL	GL	A	A					A		A	
	A	A	GL	A					A	A					A		A	
SI	SI	A	GL	A	SIG		GL	A	A	A				A	A		A	
	A	A			SIG		GL	SL		SI	A		S		A	G	A	
A	A	A	A		A	A	A	A	GL	A	A		S		A	G		
A	A	A	A	A	SIG	A	GL	A	A	A	A		A		A	G	A	
A	A	A	A	A	SIG	A	GL	A	A	A			A		A	G	A	
IGL	IGL	GL	GL	G	SIG		GL	GL	L	IGL			GL			G	IGL	
SI		A		A				SL		S			S	A	A	G	A	
				A							A			A	A			
SI					G		G	GL		A	A			A	A		A	
			A		A						A				A			
SI	A	S	A	A	SIG	S	GL	SL	L	S	A		A				A	
SI	A	A		A	SIG			A	A		A				A	G	A	
A							GL				A				A	G	A	
	SI	A		A			GL	A	L		A				A		A	
SI		A		A	SIG			SL		I					A	G		
SI	SI	A		A	G		GL	SL	L		A		S		A	G	A	
SI	SI	A		A			GL	SL	L		A		S	A	A	G	A	
A	IGL	A	L	A	SIG		GL	A	GL	A	A				A	G	A	
A	IGL	A	L	A	G		GL	A	L	A	A			A	A	G	A	
		A			SIG						A		S	A	A			
A	A	A	GL	A		A	GL	A	L	A	A		S	A	A	G	A	
SI											A			A	A		S	
A	A	A	GL	A	SIG		GL	A	L	A	A		A	A	A	G	A	
A	A	A	GL	A	SIG	A	GL	A	SGL	A	A		A	A	A	G	A	
A	A	A	GL	A	SIG	IG	GL	A	GL	A	A		A		A		A	
				A			GL	A	GL	A	A		A		A	G		

Source: State Court Administrators.

Table 24: State-court administrators, 1980. Qualifications, appointing authority, and salary.

	Qualifications for State Court Administrator			
State	Education	Prior experience	Appointing authority	Annual salary
ALABAMA	Law degree or admission to bar	Administration	Chief Justice	$34,515
ALASKA	College, Law degrees	Court administration	Chief Justice (approved by court)	$68,068
ARIZONA	College, Law degrees	None	Court of last resort	$44,308
ARKANSAS	Law degree, admission to state bar	Practice law for 6 years, be at least 28 years of age, and state resident 2 years	Chief Justice (approved by Judicial Council)	$33,143
CALIFORNIA	Law degree	Judge or practice of law for 10 years	Judicial Council	$62,892
COLORADO	None	None	Court of last resort	$41,500
CONNECTICUT	None	None	Chief Justice	$44,520(if a judge)
DELAWARE	None	None	Chief Justice	$34,500
FLORIDA	College, Law degrees	None	Court of last resort	$38,200
GEORGIA	None	None	Judicial Council	$39,500
HAWAII	None	None	Chief Justice (approved by court)	$40,000
IDAHO	College, Law degrees	Court administration	Court of last resort	$37,275
ILLINOIS	College, Law degrees	None	Court of last resort	$53,000
INDIANA	College, Law degrees	None	Court of last resort	$37,550
IOWA	College, Law degrees	None	Court of last resort	$35,000
KANSAS	College and Law degree or admission to bar	Administration	Chief Justice	$34,750
KENTUCKY	College and Law degree	Administration, 8 years law practice, and 35 years of age	Chief Justice	$46,776
LOUISIANA	None	None	Court of last resort	$55,712
MAINE	None	None	Chief Justice	$34,200
MARYLAND	None	None	Chief Justice	$48,700
MASSACHUSETTS[a]	Law degree	None	Court of last resort	$42,500
MICHIGAN	College degree	Court administration	Court of last resort	$60,384
MINNESOTA	College, Law degrees	None	Court of last resort	$47,000
MISSISSIPPI	College, Law degrees	None	Court of last resort	$41,000
MISSOURI	None	None	Court of last resort	$43,600

MONTANA	None	None	Court of last resort	$25,000
NEBRASKA	None	None	Chief Justice	$30,000
NEVADA	Law degree	None	Court of last resort	$30,250
NEW HAMPSHIRE	(Does not apply. There is no provision for a state court administrator in New Hampshire.)			
NEW JERSEY	College, Law, and Business or Public Administration degrees	Judge	Chief Justice	$56,000
NEW MEXICO	None	None	Court of last resort	$35,000
NEW YORK	None	None	Chief Justice (with advice and consent of Administrative Board of Counties)	$65,259
NORTH CAROLINA	College, Law degrees	None	Chief Justice	$48,504
NORTH DAKOTA	College, and Business or Public Administration degree	Court administration	Court of last resort	$34,782
OHIO	College	None	Court of last resort	$50,107
OKLAHOMA	College, Law degrees	None	Court of last resort	$45,000
OREGON	None	None	Court of last resort	$34,416 to $43,908
PENNSYLVANIA	College, Law degrees	None	Court of last resort	$50,000
RHODE ISLAND	None	None	Chief Justice	$32,271 to $44,493
SOUTH CAROLINA	None	None	Chief Justice	$40,831
SOUTH DAKOTA	College, Business or Public Administration, and Law degrees	Court administration	Court of last resort	$39,000
TENNESSEE	College, Law degrees	Judge	Court of last resort	$52,983
TEXAS	None	None	Court of last resort	$37,200
UTAH	None	Administration	Court of last resort	$36,000
VERMONT	Law degree or admission to bar	None	Court of last resort	$35,550
VIRGINIA	College, Law degrees or admission to bar	Practice law for 5 years	Court of last resort	$47,000
WASHINGTON	None	None	Court of last resort (list submitted by Governor)	$40,200
WEST VIRGINIA	College, Law degrees	None	Court of last resort	$38,000
WISCONSIN	College degree	Court administration	Court of last resort	$51,372
WYOMING	College degree and graduate work in relevant field	5 years	Court of last resort	$26,160
AMERICAN SAMOA	(Does not apply. There is no provision for a state-level administrator in American Samoa.)			
DISTRICT OF COLUMBIA	None	None	Joint Commission on Judicial Administration with concurrence of Chief Judges	$49,050
GUAM	(Information not available)			
PUERTO RICO	College degree	None	Chief Justice	$34,896
VIRGIN ISLANDS	(Information not available)			

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[a] Data on this chart for Massachusetts is given for the position of Administrator of Courts for the Trial Court. There also exists the position of Chief Administrative Justice of the Trial Court who is required to be a justice of one of the departments of the trial court. He is selected by the Supreme Judicial Court and serves a 7-year term at an annual salary of $47,000.

Source: State Court Administrators; NCSP staff review of state statutes; Robert G. Neiland and Rachel N. Doan, State Court Administrative Offices (Chicago, Illinois: The American Judicature Society, 1979).

Table 25: Budget and fiscal authority of the judicial branch, 1980.

State	Statutory treatment of judicial branch's budget submission			Must executive branch approve transfer of funds across budget categories?	Extent of authority of statewide fiscal administration	Similarity of fiscal procedures between judicial and executive branches
	Same as "one of many" executive branch agencies	Separate and co-equal to executive branch budget	Separate and not equal to executive branch budget			
ALABAMA		X		Yes	Total	Similar
ALASKA		X		No	Total	Similar
ARIZONA		X		Yes	Limited	Same
ARKANSAS		X		No	Limited	Same
CALIFORNIA		X		No	Total	Similar
COLORADO		X		No	Total	Similar
CONNECTICUT	X			No	Limited	Same
DELAWARE			X	Yes	Limited	Same
FLORIDA		X		Yes	Limited	Similar
GEORGIA		X		No	Limited	Similar
HAWAII		X		No	Total	Similar
IDAHO		X		No	Total	Similar
ILLINOIS		X		Yes	Total	Similar
INDIANA			X	No	Limited	Different
IOWA	X			Yes	Total	Similar
KANSAS	X			Yes	Limited	Same
KENTUCKY	X			Yes	Total	Similar
LOUISIANA	X			No	Limited	Different
MAINE	X			Yes	Total	Similar
MARYLAND		X		Yes	Limited	Similar
MASSACHUSETTS		X		Yes	Limited	Similar
MICHIGAN		X		No	Limited	Similar
MINNESOTA		X		Yes	Limited	Same
MISSISSIPPI		X		Yes	Limited	Same
MISSOURI		X		No	Total	Similar
MONTANA	(Information not available)					
NEBRASKA		X		No	Limited	Similar
NEVADA			X	Yes	Limited	Similar
NEW HAMPSHIRE		X		No	Limited	Same
NEW JERSEY	X			Yes	Limited	Same
NEW MEXICO	X			Yes	Limited	Same
NEW YORK		X		No	Total	Similar
NORTH CAROLINA		X		Yes	Total	Similar
NORTH DAKOTA		X		No	Total	Similar
OHIO		X		No	Limited	Same
OKLAHOMA	X			Yes	Limited	Same
OREGON		X		No	Total	Similar
PENNSYLVANIA		X		No	Total	Similar
RHODE ISLAND		X		Yes	Limited	Same
SOUTH CAROLINA		X		Yes	Limited	Same
SOUTH DAKOTA		X		Yes	Total	Similar
TENNESSEE		X		Yes	Total	Same
TEXAS	X			Yes	Limited	Same
UTAH	X			Yes	Limited	Same
VERMONT	X			Yes	Limited	Same
VIRGINIA			X	No	Limited	Same
WASHINGTON		X		No	Limited	Same
WEST VIRGINIA			X	No	Total	Different
WISCONSIN	(Information not available)					
WYOMING		X		No	Limited	Same
AMERICAN SAMOA		X		No	Limited	Same
DISTRICT OF COLUMBIA			X	Yes	Limited	Same
GUAM		X		No	Total	Similar
PUERTO RICO		X		No	Total	Similar
VIRGIN ISLANDS	(Information not available)					

Key: X = Affirmative.

Same = Judicial branch follows the executive branch's fiscal administrative procedures.
Similar = Judicial branch sets its own fiscal administrative procedures which are similar to those of the executive branch.
Different = Judicial branch sets its own fiscal administrative procedures which are different from those of the executive branch.

Source: State Court Administrators.

Table 26: Audit procedures of the judicial branch, 1980.

State	Executive branch: Prescribes procedures for pre-audit	Executive branch: Performs pre-audit	Executive branch: Prescribes internal audit procedures	Executive branch: Performs internal audit	Legislative branch performs post-audit of judiciary
ALABAMA		X	0	0	Yes
ALASKA	X		0	0	Yes
ARIZONA	0	0	0	0	Yes
ARKANSAS		X	0	0	Yes
CALIFORNIA	X		X	X	Yes
COLORADO	0	0	0	0	Yes
CONNECTICUT	X		X		Yes
DELAWARE	X	X	X	X	No
FLORIDA		X	0	0	Yes
GEORGIA		X		X	No
HAWAII	0	0	0	0	Yes
IDAHO	X		X		Yes
ILLINOIS	X		X		Yes
INDIANA	0	0	0	0	No
IOWA	X			X	No
KANSAS		X	X		Yes
KENTUCKY		X	0	0	No
LOUISIANA	0	0	0	0	Yes
MAINE	X		X		Yes
MARYLAND		X	0	0	Yes
MASSACHUSETTS		X		X	No
MICHIGAN	X		X		No
MINNESOTA		X		X	Yes
MISSISSIPPI		X		X	No
# MISSOURI	X		X		No
MONTANA	(Information not available)				
NEBRASKA	X			X	Yes
NEVADA		X	X		Yes
NEW HAMPSHIRE		X	0	0	Yes
NEW JERSEY	X		0	0	Yes
NEW MEXICO	X			X	No
NEW YORK		X		X	No
NORTH CAROLINA	0	0	0	0	No
NORTH DAKOTA	(Information not available)				
OHIO		X	0	0	No
OKLAHOMA		X		X	Yes
OREGON	0	0	0	0	Yes
PENNSYLVANIA	0	0	0	0	No
RHODE ISLAND	X		X		No
SOUTH CAROLINA	X		X		Yes
SOUTH DAKOTA		X	0	0	Yes
TENNESSEE	X			X	No
TEXAS		X	0	0	Yes
UTAH		X		X	No
VERMONT		X		X	No
VIRGINIA		X		X	Yes
WASHINGTON		0		0	Yes
WEST VIRGINIA		X	0	0	Yes
WISCONSIN	(Information not available)				
WYOMING	0	0	X		No
AMERICAN SAMOA	0	0	0	0	No
DISTRICT OF COLUMBIA	X			X	No
GUAM		X		X	Yes
PUERTO RICO	(Information not available)				Yes
VIRGIN ISLANDS	(Information not available)				

Key: X = Affirmative.
0 = Executive branch not involved in process.

Source: State Court Administrators.

Table 27: Records and fiscal procedures of the judicial branch, 1980.

State	Type of accounting system used	Type of inventory control system and procedures used	Payroll and personnel records/procedures
ALABAMA	Integrated	Executive	Executive payroll/own personnel
ALASKA	Integrated	Executive	Executive payroll and personnel
ARIZONA	Executive	Executive	Executive payroll/own personnel
ARKANSAS	Executive	Independent	Independent
CALIFORNIA	Independent	Independent	Executive payroll/own personnel
COLORADO	Executive	Independent	Independent
CONNECTICUT	Executive	Independent	State
DELAWARE	Integrated	Executive	Executive payroll
FLORIDA	Integrated	Independent	Executive payroll/own personnel
GEORGIA	Independent	Independent	Independent
HAWAII	Integrated	Independent	Executive payroll/own personnel
IDAHO	Integrated	Independent	Executive payroll/own personnel
ILLINOIS	Independent	Independent	Independent
INDIANA	Independent	Independent	Independent
IOWA	Independent	Independent	Executive payroll/own records
KANSAS	Executive	Executive	
KENTUCKY	Integrated	Independent	Executive payroll/own personnel
LOUISIANA	Independent	Executive	Independent
MAINE	Integrated	Executive	Independent
MARYLAND	Executive	Executive	Executive payroll/own personnel
MASSACHUSETTS	Integrated	Independent	Executive payroll/own personnel
MICHIGAN	Independent	Independent	Executive payroll/own personnel
MINNESOTA	Executive	Executive	Executive payroll/own personnel
MISSISSIPPI	Executive	Executive	State
MISSOURI	Integrated	Independent	Executive payroll/own personnel
MONTANA	(Information not available)		
NEBRASKA	Executive	Executive	Executive payroll/own personnel
NEVADA	Executive	Executive	Executive payroll/own personnel
NEW HAMPSHIRE	Executive	Executive	Executive payroll and personnel
NEW JERSEY	Integrated	Independent	Executive payroll/own personnel
NEW MEXICO	Integrated	Independent	Executive payroll/own personnel
NEW YORK	Executive	Independent	Executive payroll/own personnel
NORTH CAROLINA	Integrated	Independent	Executive payroll/own personnel
NORTH DAKOTA	Executive	Executive	State
OHIO	Executive	Executive	Executive payroll/own personnel
OKLAHOMA	Integrated	Executive	Executive payroll/own personnel
OREGON	Executive	Executive	Executive payroll/own personnel
PENNSYLVANIA	Independent	Independent	Executive payroll/own personnel
RHODE ISLAND	Integrated	Executive	Executive payroll/own personnel
SOUTH CAROLINA	Integrated	Executive	Executive payroll and personnel
SOUTH DAKOTA	Integrated	Independent	Executive payroll/own personnel
TENNESSEE	Integrated	Independent	Executive payroll/own personnel
TEXAS	Integrated	Executive	Executive payroll/own personnel
UTAH	Executive	Independent	Executive payroll and personnel
VERMONT	Integrated	Independent	Executive payroll/own personnel
VIRGINIA	Integrated	Independent	Executive payroll/own personnel
WASHINGTON	Executive	Independent	Executive payroll/own personnel
WEST VIRGINIA	Independent	Independent	Independent
WISCONSIN	(Information not available)		
WYOMING	Integrated	Executive	Executive payroll/own personnel
AMERICAN SAMOA	Independent	Independent	Executive payroll and personnel
DISTRICT OF COLUMBIA	Integrated	Independent	Executive payroll/own personnel
GUAM	Executive	Independent	Executive payroll/own personnel
PUERTO RICO	Integrated	Independent	Executive payroll/own personnel
VIRGIN ISLANDS	(Information not available)		

Key: Independent = State judiciary maintains its own system, records, and procedures.
Integrated = State judiciary system is integrated with an executive system.
Executive = State judiciary uses executive branch's accounting system, but is not subject to executive controls and procedures.
Executive payroll/own records = State judiciary uses executive branch's payroll procedures, but maintains its own payroll and personnel records.
Executive payroll and personnel = State judiciary uses executive branch's payroll procedures and personnel system.
State = State judiciary uses independent state level agency or service bureau that services all branches of government.

Source: State Court Administrators.

Table 28: Purchasing procedures of the judicial branch, 1980.

	Purchasing procedures			
State	Must executive branch approve all payable vouchers?	Judicial branch purchasing procedures are:	Does judicial branch process all major purchases ($5,000 or more) through the State purchasing office?	Executive branch must approve: all purchases (above $____)
ALABAMA	Yes	Similar	Yes (Mandatory)	
ALASKA	No	Different	No	
ARIZONA	No	Similar	No	
ARKANSAS	No	Different	No	
CALIFORNIA	(Information not available)	Similar	Yes (Voluntary)	
COLORADO	No	Similar	Yes	
CONNECTICUT	No	Similar	No	
DELAWARE	No	Same	No	
FLORIDA	Yes	Similar	No	
GEORGIA	No	Similar	No	
HAWAII	No	Similar	No	
IDAHO	No	Similar	Yes (Voluntary)	
ILLINOIS	Yes	Similar	No	
INDIANA	(Information not available)			
IOWA	No	Same	Yes (Mandatory)	
KANSAS	Yes	Same	Yes (Mandatory)	Yes ($200)
KENTUCKY	No	Same	Yes	
LOUISIANA	No	Different	No	
MAINE	Yes	Same	Yes (Mandatory)	Yes ($100)
MARYLAND	No	Similar	No	
MASSACHUSETTS	Yes	Similar	Yes (Voluntary)	
MICHIGAN	No	Similar	No	
MINNESOTA	Yes	Same	Yes (Voluntary)	
MISSISSIPPI	Yes	Same (State)	Yes (Mandatory)	Yes ($500)
MISSOURI	Yes	Similar	No	
MONTANA	(Information not available)			
NEBRASKA	Yes	Same (State)	Yes (Voluntary)	Yes ($35)
NEVADA	Yes	Similar	Yes (Voluntary)	
NEW HAMPSHIRE	No	Similar	No	
NEW JERSEY	Yes	Same	Yes (Mandatory)	Yes (all)
NEW MEXICO	Yes	Same	No	
NEW YORK	Yes	Similar	No	
NORTH CAROLINA	Yes	Same	Yes (Mandatory)	Yes ($2,500)
NORTH DAKOTA	No	Similar	Yes (Voluntary)	
OHIO	Yes	Similar	No	
OKLAHOMA	Yes	Same	Yes (Mandatory)	Yes ($500)
OREGON	No	Similar	No	
PENNSYLVANIA	No	Similar	No	
RHODE ISLAND	Yes	Same	Yes (Mandatory)	Yes ($1,000)
SOUTH CAROLINA	Yes	Same	Yes (Mandatory)	Yes (all)
SOUTH DAKOTA	No	Similar	Yes (Voluntary)	
TENNESSEE	Yes	Similar	No	
TEXAS	Yes	Same	Yes (Mandatory)	Yes (all)
UTAH	Yes	Same	Yes (Mandatory)	Yes (all)
VERMONT	Yes	Similar	Yes (Voluntary)	Yes ($100)
VIRGINIA	Yes	Same	Yes (Mandatory)	Yes ($500)
WASHINGTON	No	Similar	Yes (Voluntary)	
WEST VIRGINIA	No	Different	No	
WISCONSIN	(Information not available)			
WYOMING	Yes	Similar	No	
AMERICAN SAMOA	No	Same (State)	Yes	
DISTRICT OF COLUMBIA	No	Same	Yes (Mandatory)	Yes ($2,000)
GUAM	No	Similar	No	
PUERTO RICO	No	Similar	No	
VIRGIN ISLANDS	(Information not available)			

Key: Similar = Judicial branch sets its own purchasing procedures which are similar to the executive branch.
Different = Judicial branch sets its own purchasing procedures which are different from the executive branch.
Same = Judicial branch follows the executive branch's purchasing procedures.
Same (State) = Judicial branch uses independent state-level agency or service bureau that services all branches' purchasing procedures.

Source: State Court Administrators.

Table 29: Judicial councils and conferences, 1980. Name, authority, and purpose.

State	Name	Authority	Purpose
ALABAMA	Judicial System Study Commission	Statute	Study judicial system; make recommendations for improvement of administration of justice to legislature.
ALASKA	Judicial Council†	Constitution	Study judicial system for improvement in administration; nominate candidates for judgeships.
ARIZONA	Commission on Judicial Qualification	Constitution	Review and investigate complaints against Justices of the Peace, Superior and appellate judges.
ARKANSAS	Judicial Council	Statute	Sponsor seminars for continuing legal education; endorse legislation to improve administration of justice.
CALIFORNIA	Judicial Council	Constitution	Chief administrative body of court system. The administrative director of the courts reports to the council.
CONNECTICUT	Judicial Review Council	Constitution	Discipline (removal, suspension, & censure) of state court judges.
DELAWARE	Council on the Administration of Justice†	Statute	Study organization, rules, practice, and procedure of all courts in the state.
	Judicial Conference	Supreme Court rule	Study courts to improve administration of justice.
	Meetings of Superior Court Judges	Statute	Discuss operations of the court. (Required monthly.)
FLORIDA	Judicial Administration Commission	Statute	Chief administrative office of the court system.
	Judicial Council†	Statute	Study organization, procedure, practice, and rules of all courts in the state.
GEORGIA	Judicial Council†	Statute	Study court organization and rules of practice and procedure.
HAWAII	Judicial Council†	Statute	Study administration of justice and report to the Supreme Court.
IDAHO	Judicial Council†	Statute	Conduct studies to improve court system; report to Supreme Court and legislature; submit nominations for judgeships; recommend removal or discipline of judicial officers.
ILLINOIS	Judicial Conference	Constitution and statute	Study business of court system and recommend measures for improvement.
INDIANA	Judicial Conference	Statute	Discuss operation of courts and promote continuing education of judges.
IOWA	Judicial Council	Rule pursuant to statute	Consider administrative rules, directives, and regulations; recommend to Supreme Court for adoption.
	Judicial Conference	Statute	Study matters relating to administration of justice.
KANSAS	Judicial Conference	Statute	Annual meeting of judiciary to discuss judicial business, to make justice more effective.
	Judicial Council	Statute	Recommend probate, civil, criminal, and juvenile code; conduct research for court system.
KENTUCKY	Judicial Council	Statute	Study ways to improve administration of justice; recommend changes in rules and procedures.
	Judicial Conference	Statute	Study court system; receive reports and recommendations from Judicial Council.
LOUISIANA	Judicial Council	Supreme Court rule	Study court organization, rules, and procedure; recommend improvements.

State	Name	Authority	Purpose
MAINE	Judicial Council	Statute	Study organization, rules, and methods of practice and procedure.
MASSACHUSETTS ...	Judicial Council	Statute	Study organization, rules, and methods of practice and procedure.
	Judicial Conference	Statute	Consider matters relating to judicial administration and improvement.
MICHIGAN	Judicial Conference	Statute	Study need for changes in constitution, statutes, and court rules.
MINNESOTA	Judicial Council[†]	Statute	Study organization, rules, and methods of practice and procedure.
	Annual Council of Judges	Statute	Consider improvements in administration of justice.
MISSISSIPPI	Conference of Mississippi Judges	Mutual agreement	Study administration of justice; promote uniformity and efficiency in pleading, practice, and procedure.
MISSOURI	Judicial Conference	Statute	Study organization, rules, and methods of practice and procedure.
NEW HAMPSHIRE ...	Judicial Council[†]	Statute	Study administration of justice; devise ways to improve procedures; collect, analyze, and publish statistics.
NEW JERSEY	Judicial Conference	Supreme Court rule	Assist Supreme Court in consideration of improvements in practice and procedure and in administration and organization.
	Conference of Judges	Supreme Court rule	Hold conferences to make more uniform the operation of courts in the state.
NEW MEXICO	Judicial Council[†]	Statute	Study organization, rules, and methods of operation and administration.
	Judicial Conference	Statute	Discuss methods to improve administration of justice; make recommendations to legislature, Governor, and Supreme Court.
NEW YORK	Judicial Conference	Statute	Advise the Administrative Board; recommend to the Governor and legislature changes in statutes, rules, and practices.
	Administrative Board of the Judicial Conference	Constitution	Administer the state court system.
NORTH CAROLINA ..	Judicial Council[†]	Statute	Study administration of courts; make recommendations for change to the legislature or the courts.
NORTH DAKOTA	Judicial Council	Statute	Study operation of courts in state to see that procedures are simplified and business expedited.
OHIO	Judicial Conference	Statute	Consider problems in administration of justice and make recommendations for improvement.
OREGON	Judicial Conference	Statute	Study organization, jurisdiction, procedures, and practices of courts in the state; hold an annual education session.
PENNSYLVANIA	State Judicial Council	Supreme Court rule pursuant to constitution	Study administration of justice; make recommendations to Supreme Court on matters referred by court, or raised by Council sua sponte.
RHODE ISLAND	Judicial Council[†]	Statute	Study organization of judicial system; make recommendations to courts.
	Judicial Conference	Statute	Consider matters relating to judicial business and administration.

Table 29: Judicial councils and conferences, 1980 (continued)

State	Name	Authority	Purpose
SOUTH CAROLINA ..	Judicial Council[†]	Statute	Study organization of justice; collect and publish statistics.
	Supreme Court and Circuit Court Conference	Statute	Revise rules of Circuit Courts and practice therein.
SOUTH DAKOTA	Judicial Conference	Statute	Study organization, rules, methods, and practices of all courts; make recommendations to the Supreme Court.
TENNESSEE	Judicial Council[†]	Statute	Study operation of judicial department; consider recommendations for improvement.
	Judicial Conference	Statute	Consider rules and laws to improve administration of justice; draft suitable legislation for the General Assembly.
TEXAS	Judicial Council[†]	Statute	Study organization, rules, practices, and procedures of civil jurisdiction courts.
UTAH	Judicial Council	Statute	Develop uniform administrative policies for the courts of Utah.
VERMONT	Judicial Council[†]	Statute	Study organization, rules, and methods of procedure and practice of the court system.
VIRGINIA	Judicial Conference	Statute	Discuss means to improve administration of justice.
	Judicial Conference for District Courts	Statute	Discuss means to improve administration of justice.
	Judicial Council	Statute	Study organization, rules, procedure, and practices of the judicial system.
	Committee on District Courts	Statute	Study organization, rules, procedure and practices of the District Courts and clerks offices; determine number of District Court judges, substitute judges, clerks offices and court personnel; establishes procedures and practices for District Courts.
WASHINGTON	Judicial Conference	Statute	Consider matters relating to administration of justice.
	Judicial Council	Statute	Study operation of judicial departments; make recommendation to Governor and legislature.
	Court Planning Council	Supreme Court rule	Establish priorities for court improvement plans, review and approve federal funding projects, coordinate and prepare an annual judicial system plan.
WEST VIRGINIA ...	Judicial Council[†]	Statute	Study organization, rules, and methods of practice and procedure; collect statistics.
WISCONSIN	Administrative Committee for the Court System	Statute	Review administration of all courts in state.
	Judicial Conference	Statute	Study problems in administration of justice; make recommendations for improvement; conduct instructive programs and seminars.
	Judicial Council[†]	Statute	Study pleading, practice, and procedure; make recommendations to Supreme Court and legislature.
WYOMING	Judicial Conference	Mutual agreement	Study matters relating to administration of justice.
	Judicial Council[†]	Statute	Hold hearings on proposed rules and advise Supreme Court.
DISTRICT OF COLUMBIA	Joint Committee on Judicial Administration	Statute	Establish administrative policy of court system.
	Judicial Conference	Statute	Annual meeting to make recommendations for improvement of the system.
	Board of Judges	Statute	Determine internal operating policy of court.

[†] Organization is primarily composed of legislators, lawyers, or laymen rather than judges.

Source: State Court Administrators; Research and Information Service, National Center for State Courts.

Table 30: Description of grand juries, 1980. Selection process, size, number needed to indict, and scope of activity.

State	Selection process	Size	Number of grand jurors needed to indict	Scope of activities	Is a grand jury indictment essential for all felony prosecutions (unless waived by the accused)?
ALABAMA ...	Random selection from master lists compiled from voter registrations, drivers licenses, motor vehicle registration, utility customers, and property tax rolls	18	12	Criminal indictments and investigations of local governmental affairs	Yes (all with a potential sentence of more than a year)
ALASKA	Random selection from the lists of actual voters, tax rolls, and lists of trapping, hunting, and fishing licenses	12 to 18	Majority vote	Criminal indictments and investigations of local governmental affairs	Yes
ARIZONA ...	Random selection from registered voter lists, then questioned and selected by judges. Statute authorizes statewide grand juries	12 to 16 (16 in Maricopa County [Phoenix])	9	Criminal indictments	No
ARKANSAS ..	Discretion exercised by a 3 to 12-member citizen commission appointed by a circuit judge	16	12	Criminal indictments and investigations of local governmental affairs	Yes
CALIFORNIA	Discretion exercised by the Superior Court judges except in a few counties, including San Francisco, where the selection is random from the list of registered voters	23 in Los Angeles County; 19 elsewhere	14/23; 12/19	Investigations of local governmental affairs and indictment considerations in fewer than 15 percent of all felony matters. Serves 1 year	No
COLORADO ..	Random selection from the list of registered voters, driver's license lists, and city directories, followed by questioning by the judge and district attorney. Statewide grand juries can be assembled	Usually 12; occasionally as large as 23	9/12; 12/23	Investigation of controversial crimes, like police shootings and governmental corruption	No
CONNECTICUT	Discretion, exercised by the county sheriff	18	12	All crimes with sentence of death or life imprisonment, occasional investigations	Yes (but only for crimes with a potential sentence of death or life imprisonment)
DELAWARE ..	Random selection from lists of registered voters and other lists where necessary	10 to 15	7/10; 9/15	Criminal indictments, investigations. Serves for 1 year	Yes (with certain constitutional and statutory exceptions)
FLORIDA ...	Discretion, exercised by county commissioners or jury commission (appointed by Governor); statewide grand juries can be impaneled	15 to 18	12	Criminal indictments, investigations of county offices	Yes (but only for capital offenses)

State	Selection process	Size	Number of grand jurors needed to indict	Scope of activities	Is a grand jury indictment essential for all felony prosecutions (unless waived by the accused)?
GEORGIA ...	Discretion, exercised by commissioners, appointed by judge	16 to 23	Majority vote	Criminal indictments, investigations of local governmental affairs, inspections. Sets salary for certain jobs	Yes
HAWAII	Random selection from the list of registered voters, which may be supplemented with some names from other lists	18 to 23	12	Criminal indictments	No
IDAHO	Random selection from registered voter list, utility list, and driver's license list	16	12	Public offenses	No
ILLINOIS ..	Random selection from the registered voter list, followed by questioning about the time involved	23 (20 on supplemental panel)	12	Criminal indictments and investigations of official misconduct	Yes
INDIANA ...	Random selection from voters registration list supplimented with other lists such as utility customers, property taxpayers, state income tax payees and others	6	5	Major felony cases	No
IOWA	Random selection from lists of registered voters, tax assessment lists, motor vehicle operators, licensees lists, and others	7	5	Criminal indictments, investigations of prisons, conduct of public officials, highways	Yes
KANSAS	Random selection from the list of registered voters and/or census list	15	12	All public offenses	No
KENTUCKY ..	Random selection from voter registration lists and current property tax rolls	12	9	Criminal indictments	Yes
LOUISIANA .	Discretion, exercised by citizen jury commission	12	9	Criminal indictments	Yes (but only for capital offenses)
MAINE	Random selection from voter registration lists followed by questioning by a judge and the district attorney	13 to 23	12	Criminal indictments. In Cumberland County (Portland) the grand jury serves for 1 year and meets for 5-10 days 3 times a year	Yes (except where a statutory exception is created)

Table 30: Description of grand juries, 1980 (continued)

State	Selection process	Size	Number of grand jurors needed to indict	Scope of activities	Is a grand jury indictment essential for all felony prosecutions (unless waived by the accused)?
MARYLAND ..	Random selection from voter registration lists screened to see who can spare the time	23	12	Criminal indictments and inspects government agencies. It meets every day for 4 months	No
MASSACHUSETTS	Random selection: 35 names are drawn from the trial jury list, which is assembled by discretion; then a judge selects 23 persons	23	12	Criminal indictments	[illegible]
MICHIGAN ..	Random selection from the list of registered voters	13 to 17 (Also 1-person [judge] grand juries)	9	Criminal indictments (infrequently) and investigations	No
MINNESOTA .	Random selection from the list of registered voters (separate list maintained)	16 to 23	16	Criminal indictments, investigations of prisons and public officials	No
MISSISSIPPI	Random selection from voter registration lists	15 to 20	12	Criminal indictments and investigations of local governmental affairs	No
MISSOURI ..	Randomly selected names are screened carefully by the judges who make the final selection	12	9	Criminal indictments, investigations, inspections, inquiries into governmental fiscal matters	No
MONTANA ...	Random selection from tax rolls	11	10	Criminal indictments, investigations, public officials, prisons	No
NEBRASKA ..	Random selection of 40 names from the list of actual or registered voters, and from that list of 40, 16 are picked by the judge and jury commissioner	16	12	Criminal indictments, county jail	No
NEVADA	Random selection, then screened as to their willingness to serve	17	12	Criminal indictments and investigation of local governmental affairs	No
NEW HAMPSHIRE	Random selection from the trial jury list, which is assembled by the discretion of town officials	23	12	Criminal indictments and investigations of subversive activities. Meets about 4 days every 2-3 months	Yes
NEW JERSEY	Random selection from the list of registered voters. Statute authorizes statewide grand juries	23	12	Criminal indictments, investigations	Yes

State	Selection process	Size	Number of grand jurors needed to indict	Scope of activities	Is a grand jury indictment essential for all felony prosecutions (unless waived by the accused)?
NEW MEXICO	Random selection from the voter registration list followed by questioning by a judge	12	8	Criminal indictments, investigations. In Bernalillo County (Albuquerque) grand juries meet once a week for a 6-month term; elsewhere, they are called infrequently	No
NEW YORK ..	Specially selected from persons who have been qualified as trial jurors and who pass a police investigation	16 to 23	12	Criminal indictments, investigations into prisons and misconduct of public officials. Serves for 1 month	Yes
NORTH CAROLINA .	Random selection from voter registrations, tax rolls, and other sources deemed to be reliable	12 to 18	12	Criminal indictments, inspections of jails and other county agencies	Yes
NORTH DAKOTA	Random selection from lists of actual voters, holders of driver's licenses, utility customers, and property taxpayers	8 to 11	6	Criminal indictments, prisons, public officials. Only rarely assembled	No
OHIO	Random selection from the registered voter list followed by questioning	9	7	Criminal indictments	Yes
OKLAHOMA	Varies by county	12	9	Criminal indictments and investigations of local governmental affairs. Can be called by petition of citizens	No
OREGON	Random selection from list of registered voters	7	5	Criminal indictments and investigations of public prisons and offices pertaining to courts of justice	No
PENNSYLVANIA	Selected from voter registration lists, and sometimes interviewed by jury clerk and jury masters	15 to 23	12	Criminal indictments and investigations	No (Counties are authorized to abolish indicting grand juries and many have done so.)
RHODE ISLAND ...	Random selection from voter registration list followed by an interview. Statewide grand juries are authorized	13 to 23	12	Criminal indictments	Yes (but only for offenses punishable by death or life imprisonment)
SOUTH CAROLINA .	Discretion, exercised by a jury commission composed of civil servants	18	12	Criminal indictments	Yes

Table 30: Description of grand juries, 1980 (continued)

State	Selection process	Size	Number of grand jurors needed to indict	Scope of activities	Is a grand jury indictment essential for all felony prosecutions (unless waived by the accused)?
SOUTH DAKOTA	Random selection from the list of registered voters	6 to 8	5	Criminal indictments, investigations of governmental misconduct	No
TENNESSEE .	Random selection from the trial jury lists, which are compiled by jury commissioners without guidelines. The same person may serve as foreperson for several years	13	12	Criminal indictments and investigations of prisons, elections, and governmental affairs	No
TEXAS	Discretion exercised by citizen jury commissioners, appointed by a judge	12	9	Criminal indictments, investigations	Yes
UTAH	Random selection from the official register of voters and other lists proscribed by the Utah Supreme Court	7	5	Criminal indictments, investigations, inspections (public prisons, willful and corrupt misconduct of public officials)	No
VERMONT ...	Random selection from the lastest census enumeration, telephone directories, election records, and other general sources of names	18	12	Criminal indictments	Yes (but only for offenses punishable by death or life imprisonment)
VIRGINIA ..	Judges choose names	5 to 7	4	Criminal indictments; investigates conditions that promote criminal activities and misfeasance of governmental authority	Yes
WASHINGTON.	Random selection from voter registration list	12 to 17	3/4 of panel	Criminal indictments and investigations of governmental affairs	No
WEST VIRGINIA .	Discretion, exercised by a 2-member citizen jury commission (representing the 2 major political parties)	16	12	Criminal indictments	Yes
WISCONSIN .	Names selected by jury commissioners and then screened by judges. In Milwaukee County, random selection from the registered voter list	17	12	Criminal indictments	No
WYOMING ...	Random selection from the voter registration list. Statewide grand juries can be assembled	12 to 16	9	Criminal indictments, inspections, investigations	No

State	Selection process	Size	Number of grand jurors needed to indict	Scope of activities	Is a grand jury indictment essential for all felony prosecutions (unless waived by the accused)?
DISTRICT OF COLUMBIA .	Random selection from the list of registered voters, followed by questioning by a judge and sometimes by the U.S. Attorney	23	12	Criminal indictments. Serves at least 2 months. Frequently 9 or 10 are operating at once	Yes (for all crimes with a potential sentence of a year or more)
PUERTO RICO	Discretion by court-appointed jury commissioners	12 to 15	Majority vote	Criminal indictments and investigations of government officials and activities	Yes

Source: State Court Administrators; NCSP Staff review of state statutes; Jon M. Van Dyke, Jury Selection Procedures, (Cambridge, Massachusetts: Ballinger Publishing Company, 1977), Appendix B.

Table 31: Selection of trial jury pool, 1980. Selection process and sources used for master list.

		Sources used for master list								
State	Selection process	Voter registration list	Telephone directory	Drivers' license list	City directory	Utility customers	State income tax list	Other tax rolls	Census	Other
ALABAMA	Random selection (some counties use drivers list exclusively)	X	X	X	X	X		X	X	Civic organizations.
ALASKA	Random selection	X[a]		X			X			List of persons with trapping, hunting and fishing licenses.
ARIZONA	Random selection	X								
ARKANSAS	Discretion exercised by a 3 to 12-member citizen jury commission appointed by a circuit judge	X								
CALIFORNIA	Random selection	X		X						
COLORADO	Random selection (Uniform Jury Selection Act)	X	X	X	X	X	X	X		
CONNECTICUT	Discretion, exercised by town civil servants	X			X					
DELAWARE	Random selection	X								
FLORIDA	Discretion, exercised by county commissioner or 2-citizen jury commissions (in Dade County [Miami] and a number of other counties, random selection from voter lists)	No particular master list is used.								
GEORGIA	Discretion, exercised by a 6-member citizen jury commission, appointed by a judge	X								State tax digest; personal acquaintances.
HAWAII	Random selection	X		X	X	X		X	X	In Honolulu, voters' list, supplemented with telephone directory.
IDAHO	Random selection (Uniform Jury Selection Act)	X		X	X	X	X			
ILLINOIS	Random selection	X								
INDIANA	Discretion, exercised by court-appointed commissioners (random selection in Lake County)	X						X		
IOWA	Random selection	X[a]			X					Other sources are also used.
KANSAS	Random selection	X							X	
KENTUCKY	Random selection	X						X		
LOUISIANA	Discretion, exercised by a 5-member citizen jury commission appointed by a judge except in Orleans Parish where they are appointed by the Governor	No particular master list is used.								
MAINE	Random selection	X								

State	Selection process	Sources used for master list								
		Voter registration list	Telephone directory	Drivers' license list	City directory	Utility customers	State income tax list	Other tax rolls	Census	Other
MARYLAND	Random selection	X								
MASSACHUSETTS	Discretion, exercised by town officials and county officials followed by personal interviews	X					X[b]			Including police census list.
MICHIGAN	Random selection	X								
MINNESOTA	Random selection	X	X	X	X	X		X		Welfare recipients.
MISSISSIPPI	Random selection	X								
MISSOURI	Random selection in the major cities, discretion in the less populated counties	X	X	X				X		Public records.
MONTANA	Random selection	X						X		
NEBRASKA	Random selection	X								
NEVADA	Discretion, exercised by county commissioners or jury commissioners	X[c]								
NEW HAMPSHIRE	Discretion, exercised by town selectmen	No particular master list is used.								
NEW JERSEY	Random selection	X								
NEW MEXICO	Random selection	X								
NEW YORK	Random selection	X	X		X	X		X		Volunteers are accepted.
NORTH CAROLINA	Random selection	X				X		X		
NORTH DAKOTA	Random selection (Uniform Jury Selection Act)	X[a]	X	X	X			X		
OHIO	Random selection, followed by personal interviews conducted by a 2-member citizen jury commission, appointed by judges and representing the 2 major political parties	X								
OKLAHOMA	Discretion, exercised by a jury commission composed of civil servants, or--at the discretion of the presiding judge--random selection (Oklahoma and Tulsa Counties now both select randomly from the voter list)	X								

Table 31: Selection of trial jury pool, 1980 (continued)

State	Selection process	Sources used for master list: Voter registration list	Telephone directory	Drivers' license list	City directory	Utility customers	State income tax list	Other tax rolls	Census	Other
OREGON	Random selection	X			X					
PENNSYLVANIA	Random selection, followed (in Philadelphia and Allegheny Counties) by some personal interviews	X	X	X[d]						Welfare recipients[d].
RHODE ISLAND	Random selection, followed by personal interviews	X								
SOUTH CAROLINA	Discretion, exercised by a jury commission composed of civil servants	X								Volunteers are accepted.
SOUTH DAKOTA	Random selection	X								
TENNESSEE	Discretion, exercised by a jury commission composed of civil servants	X			X	X				
TEXAS	Random selection	X								
UTAH	Discretion, exercised by 2 court-appointed jury commissioners from different parties	X								
VERMONT	Random selection	X	X						X	
VIRGINIA	Random selection	No particular master list is used.								
WASHINGTON	Random selection	X								
WEST VIRGINIA	Discretion, exercised by 2-member citizen jury commission representing the 2 major political parties	No particular master list is used.								
WISCONSIN	Random selection, followed by personal interviews conducted by a 3-member citizen jury commission	X								
WYOMING	Random selection	X								
AMERICAN SAMOA	(Information not available)									
DISTRICT OF COLUMBIA	Random selection	X			X					
GUAM	(Information not available)									
PUERTO RICO	Discretion by appointed jury commissioners	No particular master list is used.								
VIRGIN ISLANDS	(Information not available)									

X = Affirmative.

[a] List of actual voters is used.
[b] State income tax lists are used only in Middlesex County.
[c] Voter registration lists are supplemented in Nevada.
[d] Allegheny County, Pennsylvania, uses the voter registration list, the telephone directory, and the welfare recipients list.

Source: State Court Administrators; NCSP staff review of state statutes; Jon M. Van Dyke, Jury Selection Procedures, (Cambridge, Massachusetts: Ballinger Publishing Company, 1977), Appendix A.

Table 32: Qualifications for trial jury service, 1980. Time limits, elimination for felony conviction, residency, age, and other special qualifications.

State	Time limit since previous jury service	Eliminated for felony conviction	Residency requirement prior to service	Age		Other special qualifications
				Minimum	Maximum	
ALABAMA		X	1 year	19	65	"Esteemed in their community for their integrity, good character, and sound judgment;" must be a householder (Ala. Code, §12-16-60)
ALASKA	1 year	X	1 year	19		"Must read or speak English" (Alaska Stat. §09.20.010)
ARIZONA		X	50 days	18		
ARKANSAS	2 years	X		18	65	"Good character or approved integrity," "sound judgment or reasonable information," "good behavior" (Ark. Stat., §39-102)
CALIFORNIA		X		18		"Fair character and approved integrity," "sound judgment" (C.C.P., §205)
COLORADO		X		18		
CONNECTICUT				18	65	
DELAWARE	2 years	X	1 year	18		
FLORIDA		X	1 year	18		
GEORGIA	1 term		6 months	18	65	"Intelligent and upright citizens" (Ga. Code Ann., §59-106)
HAWAII	1 year	X		18		
IDAHO	(a)	X		18		
ILLINOIS	1 year			18		"Of fair character, of approved integrity, of sound judgment, well informed" (Ill. Rev. Stat., Ch. 78 §2 [1965])
INDIANA	1 year	X (in Lake County only)		18	65	Jurors must be freeholders, householders or their spouse (Ind. Stat. Ann. §§33-4-5-1,7)
IOWA				18		"Good moral character, sound judgment" (Iowa Code Ann., §607.1)
KANSAS	1 year	X		18		
KENTUCKY	1 year	X		18		
LOUISIANA	2 years			18	70	
MAINE	5 years	X		18		
MARYLAND	3 years	X		18	70	
MASSACHUSETTS ..	3 years (2 years in Nantucket and Hulus Counties)	X (in Middlesex County only)		18	70	"Sound judgment," "good moral character" (Mass. Gen. Laws. Ann., Ch. 234, §4 [Supp. 1972])
MICHIGAN	1 year	X		18	70	
MINNESOTA	4 years			18		
MISSISSIPPI	2 years	X		21	65	"[N]ot a common gambler or habitual drunkard" (Miss. Code §13-5-1)
MISSOURI	1 year	X		21	65	"Sober and intelligent, of good reputation" (Vernon's Ann. Mo. Stat., §494.010)
MONTANA		X	30 days	18		
NEBRASKA	2 years	X		21	70	"Of fair character, of approved integrity, well-informed...of sound mind and discretion" (Neb. Stat., §25-1601)
NEVADA		X		18	65	
NEW HAMPSHIRE ..	3 years			18	70	
NEW JERSEY	1 year	X	2 years	18	75	"Impartial," "best qualified" (N.J.S.A., §2AA:75-2)

State	Time limit since previous jury service	Eliminate for felony conviction	Residency requirement prior to service	Age		Other special qualifications
				Minimum	Maximum	
NEW MEXICO				18		
NEW YORK	2 years	X		18	70-76	"Intelligent, of good character" (Judiciary Law, §510)
NORTH CAROLINA .	2 years	X		18		
NORTH DAKOTA ...	2 years	X		18		
OHIO	1 year	X		18	70	
OKLAHOMA		X		18	65	"Sound mind and discretion," "good moral character" (Okla. Stat., §38-28)
OREGON	1 year			18		"Most competent" (Ore. Rev. Stat., §10.110)
PENNSYLVANIA ...	3 years			18		"Mentally fit and morally strong" (Pa. Stat., §1252) "Sober, intelligent and judicious" (17 Penn. Stat. §942)
RHODE ISLAND ...	2 years			21		"Good moral character," "sound judgment" (Gen. Law. R.I., §9-9-23)
SOUTH CAROLINA .	1 year	X		18	65	"Good moral character," "sound judgment" (S.C. Code, §14-7-140); must have at least "sixth grade education or its equivalent." (S.C. Code, §14-7-810)
SOUTH DAKOTA ...	2-4 years	X		18	70	
TENNESSEE	2 years	X	1 year	18	65	"Upright and intelligent persons known for their integrity, fair character and sound judgment" (Tenn. Code Ann. §22-228)
TEXAS	6 months	X		18	65	"[O]f sound mind and good moral character" (V. Ann. Civil St., Art. 2133)
UTAH	1 year	X	6 months	21		
VERMONT	2 years	X		18	70	
VIRGINIA		X	1 year	18	70	
WASHINGTON			1 year	18	60	Must be a taxpayer (Sec. 1, ch. 57, RCW §2.36.070)
WEST VIRGINIA ..	2 years	X		18	65	"Sound judgment," "good moral character". Paupers are excluded. (W.Va. Code §§52-1-2, 4)
WISCONSIN	2 years			18	65	
WYOMING		X	1 year	18	72	
AMERICAN SAMOA .	(Information not available)					
DISTRICT OF COLUMBIA	2 years	X	1 year	18		
GUAM	(Information not available)					
PUERTO RICO	2 years	X		18	70	Must be able to read and write Spanish [R.C.R.P. 95 (c)]
VIRGIN ISLANDS .	(Information not available)					

Note: Those jurors who are not United States citizens, literate, or are not physically or mentally competent are disqualified from jury service in all states. The interpretation of these disqualifications varies from jurisdiction to jurisdiction.

X = Affirmative.

*In a 2-year period, no person will be required to serve or attend more than 30 days except to finish a case, to serve on more than 1 grand jury, or serve on both a grand and a petit jury.

Source: State Court Administrators; NCSP staff review of state statutes; Jon M. Van Dyke, Jury Selection Procedures, (Cambridge, Massachusetts: Ballinger Publishing Company, 1977), Appendices A and C.

Table 33: Statutory exemptions from trial jury service, 1980.

State	Exemptions from jury service						
	Public necessity or undue hardship	Personal bad health	Financial hardship	Females with small children (age limit)	Judicial officers	Local officials	Occupational exemptions
ALABAMA		X					None
ALASKA		X	X		X		6,7,32
ARIZONA	X	X	X				None
ARKANSAS	X	X	X		X		5,6,7,8,10,13,14,15,17,20,23,24
CALIFORNIA	X						Limited to certain peace officers
COLORADO	(a)	X					None
CONNECTICUT	X	X		X(16 years)			7,8,10,14,15,17,21,24,32,37
DELAWARE	X				X	X	8,10,14,19,24,30
FLORIDA				X(15 years)	X	X	24,30
GEORGIA	X			X(14 years)	X		3,7,10,12,17,23,24,32
HAWAII		X			X	X	3,6,7,8,10,14,15,24,30
IDAHO	(b)						None
ILLINOIS		X			X	X	6,7,8,10,16,19
INDIANA						X	8,14,15,19,30
(Lake County)	(a)	X			X	X	8,14,19,30
IOWA				X	X		8,19,30,36
KANSAS	X	X					None
KENTUCKY	X						None
LOUISIANA	X			X	X		5,6,7,8,10,14,15,19,20,23,24,30
MAINE	X	X		X			7,8,19,24,30
MARYLAND	X	X					14,15
MASSACHUSETTS	X			X(15 years)	X	X	3,6,7,8,10,11,12,17,19,24,30,31,32,36
(Middlesex County)	X	X					None
MICHIGAN		X					None
MINNESOTA	X	X			X	X	3
MISSISSIPPI		X	X				3,7
MISSOURI	X	X	X		X	X	5,6,7,8,14,15,19,25,30,32
MONTANA		X		X^{c}(minor)	X	X	3,6,7,8,10,12,13,15,16,17,19,23,25,26,27,30,32,33
NEBRASKA		X					None
NEVADA	X	X			X		7,10,17,19,23,24,25,26,27,30,32,33
NEW HAMPSHIRE					X		7,8,10,24,30
NEW JERSEY		X		X^{c}(minor)	X		7,10,12,14,15,24,30,32,33,34,37,38
NEW MEXICO	X						None
NEW YORK				X(16 years)		X	3,6,7,8,10,13,14,15,16,17,19,20,23,24,29,30
NORTH CAROLINA	X		X				None
NORTH DAKOTA	(a)						None
OHIO	X	X					None

X = Affirmative.

[a] The Uniform Jury Selection and Service Act reads, "Undue hardship, extreme inconvenience or public necessity."
[b] In a 2-year period, no person will be required to serve or attend more than 30 days except to finish a case, serve on more than 1 grand jury, or serve on both a grand and a petit jury.
[c] The statute is sex-neutral and applies to any person charged with caring for a child.

State	Exemptions from jury service						
	Public necessity or undue hardship	Personal bad health	Financial hardship	Females with small children (age limit)	Judicial officers	Local officials	Occupational exemptions
OKLAHOMA		X		X^{c}(minor)	X	X	6,7,8,15,24,25,26
OREGON	X				X		3,5,7,8,10,13,15,19,20,30,35
PENNSYLVANIA	X		X				3,6,7,11,13,15,17,23,32,33
RHODE ISLAND					X		3,6,8,10,15,19,24,26,30,32
SOUTH CAROLINA	X	X		X(7 years)	X	X	7,17,19,23,24,30
SOUTH DAKOTA		X			X		8
TENNESSEE		X					6,7,10,15,19,23,27,30,32
TEXAS	X						None
UTAH		X					None
VERMONT	X						6,7,8,10,17,19,24,30,32
VIRGINIA				X^{c}(16 years)	X		2,3,6,7,8,9,10,11,12,13,14,15,18,19,20,21,22,23,24,26,27,30,31,32,35
WASHINGTON							None
WEST VIRGINIA	X						None
WISCONSIN	X				X		8,30
WYOMING	X						8,10,15,24
AMERICAN SAMOA	(Information not available)						
DISTRICT OF COLUMBIA	X	X					None
GUAM	(Information not available)						
PUERTO RICO		X		X		X	2,3,4,6,7,11,12,13,14,16,17,18,19,20,23,24,26,28,29,30,31,32,33,34,35
VIRGIN ISLANDS	(Information not available)						

Key: Numbers in the last column indicate the following occupations:

1 = Accountants
2 = Airline pilots or other employees
3 = Attorneys
4 = Bus drivers
5 = Chiropractors
6 = Clergy
7 = Doctors/dentists
8 = Elected officials
9 = Ferry boat operators
10 = Firemen
11 = Government employees: local, state, federal
12 = Hospital employees
13 = Licensed embalmers
14 = Members of the military forces
15 = National guardsmen on active duty
16 = Newspaper reporters
17 = Nurses
18 = Officers and employees of ships
19 = Officers of the United States
20 = Optometrists
21 = Persons caring for disabled
22 = Persons participating in the harvest
23 = Pharmacists
24 = Police and members of other law enforcement agencies
25 = Postal employees
26 = Prison guards
27 = Railroad employees
28 = School bus drivers
29 = Sole proprietors of businesses
30 = State officials
31 = Students
32 = Teachers
33 = Telegraph operators
34 = Telephone operators
35 = Veterinarians
36 = Persons who are conscientiously opposed to jury duty because of their religion
37 = First aid and rescue squad personnel
38 = Game wardens
39 = Cloistered members of religious orders
40 = Licensed clinical psychologists

Sources: State Court Administrator; Staff review of state statutes; Center for Jury Studies, Newsletter #5, September, 1979; John M. Van Dyke, Jury Selection Procedures, Appendix C: Statutory Excuses, 1977.

Table 34: Number of peremptory challenges in jury trials, 1980. Number of challenges per side for criminal and civil cases.

	Number of peremptory challenges per party per side				
	Criminal cases				
State	Capital	Felonies	Misdemeanors	Civil cases	Method of voir dire
ALABAMA	4*S; 8*D	4*S; 8*D	4*S; 8*D	6*	Attorney
ALASKA	6 S; 10 D	6 S; 10 D	3	3	Judge
ARIZONA	10	6	2	4	Civil--judge; criminal--judge plus attorney
ARKANSAS	10 S; 12 D	6 S; 8 D	3	3*	Judge
CALIFORNIA	26[a]	13	13	8	Attorney
COLORADO	15	10	3	4 (Jury of 12) 3 (Jury of 6)	Judge plus attorney
CONNECTICUT ...	25(15[b])	6 (Jury of 6)	3 (Jury of 6)	3 (Jury of 6)	Attorney
DELAWARE	12 S; 20 D	6	6	3	Judge
FLORIDA	10	6 (Jury of 6)	3 (Jury of 6)	3 (Jury of 6)	Civil--attorney; criminal--judge plus attorney
GEORGIA	10[c]S; 20[c]D	6 S; 12 D	6 S; 12 D	6*	Civil--attorney; criminal--judge plus attorney
HAWAII	12[a]	3	3	3	Attorney
IDAHO	10[a]	6	6	4	Attorney
ILLINOIS	20	10	5	5	Judge plus attorney
INDIANA	20	10	3	6	Judge plus attorney
IOWA	8*(challenge)[a] 2*(strike)[a]	4*(challenge) 2*(strike)	2*(challenge) 2*(srike)	3*(challenge) 2*(strike)	Attorney
KANSAS	12[d]	8 or 6[e]	4	3	Attorney
KENTUCKY	5 S; 15 D	5 S; 15 D	3	3	Civil--judge; criminal--judge plus attorney
LOUISIANA	12	12 or 6[f]	6	6	Attorney
MAINE	10 S; 20[a]D	8	4	3	Civil--judge; criminal--judge plus attorney
MARYLAND	10 S; 20 D	10 S; 20 D	4	4*	Judge
MASSACHUSETTS .	12[a]	4	4	4	Judge
MICHIGAN	15[a]S; 20[a]D	5	5	3	Judge
MINNESOTA	9[a]S; 15[a]D	3 S; 5 D	3 S; 5 D	2	Judge plus attorney
MISSISSIPPI ...	12	6	6	4	Attorney
MISSOURI:					
Cities over 200,000	15/10[a]S; 20/12[a]D	4 S; 8 D	4	3	Judge
Elsewhere ...	6[a]S; 12[a]D	4 S; 8 D	3	3	Judge
MONTANA	8	6	4	4 (Jury of 12) 2 (Jury of 6)	Attorney
NEBRASKA	10[a]S; 12[a]D	6	3	6*	Attorney
NEVADA	8[a]	4	4	4	Judge
NEW HAMPSHIRE .	10 S; 20 D	3	3 (Jury of 12)	3	Judge
NEW JERSEY	12 S; 20 D	10	10	6 (Jury of 12) 3*(Jury of 6)	Judge
NEW MEXICO	8[a]S; 12[a]D	3 S; 5 D	3 S; 5 D	5	Judge plus attorney
NEW YORK	20	15 (Jury of 12) 10 (Jury of 6)	10 (Jury of 12) 3 (Jury of 6)	3 (Jury of 6)	Attorney
NORTH CAROLINA	14	4 S; 6 D	4 S; 6 D	8	Judge plus attorney
NORTH DAKOTA ..	15	10	6	6	Attorney
OHIO	6	4	4	3 (Jury of 8)	Judge plus attorney

	Number of peremptory challenges per party per side				
	Criminal cases				
State	Capital	Felonies	Misdemeanors	Civil cases	Method of voir dire
OKLAHOMA	9	5	3	3	Judge plus attorney
OREGON	6[a]S; 12[a]D	3 S; 6 D	3 S; 6 D	3	Civil--attorney; criminal--judge plus attorney
PENNSYLVANIA ..	20[h]	8	6	4	Judge plus attorney
RHODE ISLAND ..	1/4 of pool	1/4 of pool	1/4 of pool	1/3 of pool	Judge plus attorney
SOUTH CAROLINA.	5 S; 10 D	5 S; 10 D	5	4*	Judge
SOUTH DAKOTA ..	20[a]	10	3	3	Attorney
TENNESSEE	6 S; 15 D	4 S; 8 D	3	4	Judge
TEXAS	15	10	5 (Jury of 12) 3 (Jury of 6)	6 (Jury of 12) 3 (Jury of 6)	Attorney
UTAH	10	4	3	3	Judge
VERMONT	6	6	6	6	Attorney
VIRGINIA	4	4	3	3*(Juries of 5 or 7)	Judge plus attorney
WASHINGTON	12	6	3	3	Civil--judge plus attorney; criminal--attorney
WEST VIRGINIA .	2*S; 6*D	2*S; 6*D	2*S; 6*D	4	Attorney
WISCONSIN	6[a]	4	4	3	Judge plus attorney
WYOMING	12	8	4 (Jury of 12) 2 (Jury of 6)	3	Attorney
AMERICAN SAMOA.	(Information not available)				
DISTRICT OF COLUMBIA	20	10	3	3	Judge plus attorney
GUAM	(Information not available)				
PUERTO RICO ...	8[a]S; 15[a]D	3 S; 6 D	(Information not available)		Judge plus attorney
VIRGIN ISLANDS.	(Information not available)				

Key:

S = State.
D = Defense.
* = Struck-jury method is used.
Attorney = Attorneys have primary control of the questioning of the jurors, subject to judicial control only for abuse.
Judge = Judge has unfettered control of the questioning of jurors. Attorneys may submit questions to the judge, which the judge may or may not ask the jurors, and the judge can, in his or her discretion, allow the attorneys to ask questions directly of the jurors after concluding questioning.
Judge plus attorney = Judge will generally begin the questioning with standard questions on bias, but that the attorneys will then have a right to question the jurors directly at the conclusion of the judges's questions. Local practices differ and many judges have their own individual approaches to this problem.

[a] This figure also applies to trials involving possible life imprisonment.
[b] Twenty-five peremptory challenges are allowed for capital cases; 15 peremptory challenges are allowed for cases involving life imprisonment.
[c] Twelve peremptory challenges are allowed for class A felonies.
[d] Eight are allowed for class B felonies; six are allowed for all but class A or class B felonies.
[e] Twelve peremptory challenges are allowed if punishment is necessarily hard labor; six are allowed for all others.
[f] These figures apply only to murder trials.
[g] Applies to all of the more serious felonies.

Source: NCSP staff review of state statutes; Jon M. Van Dyke, Jury Selection Procedures, (Cambridge, Massachusetts: Ballinger Publishing Company, 1977), Appendix D.

Table 35: Trial jury size and vote required for verdict, 1980.

Jury size and vote required for verdict for criminal and civil trials.

State	Criminal trials		Civil trials
	Felonies	Misdemeanors	
ALABAMA	12 (U)	12 (U)	12 (U)
ALASKA	12 (U)	6 (U)	12; 6 if the amount in controversy is less than $3,000 (5/6)
ARIZONA	12 in capital cases and if the potential punishment is 30 years or more; 8 in all other cases (U)	8 (U); 6 in courts not of record (U)	8 (3/4); 6 in courts not of record (5/6)
ARKANSAS	12 (U)	12 (U); 6 in Justice of the Peace Court (U)	12 (3/4)
CALIFORNIA	12 (U)	12 (U)	12 (3/4)
COLORADO	12 (U)	12 in the most serious misdemeanors; 6 in all others (U)	6 in District Courts; 3 in County Courts (controversy concerns less than $500) (U)
CONNECTICUT	12 in capital cases or if potential punishment is life imprisonment; 6 in all other cases (U)	6 (U)	6 (U)
DELAWARE	12 (U)	12 (U)	6[a] (U)
FLORIDA	12 in capital cases; 6 in all others (U)	6 (U)	6 (U)
GEORGIA	12 (U)	12[c](U)	12 (U)
HAWAII	12 (U)	12 (U)	12 (5/6)
IDAHO	12 (U)	6 5/6	12; 6 if amount in controversy is $500 or less (3/4)
ILLINOIS	12 (U)	12 (U)	12 (U)[a]
INDIANA	12 (U)	12; 6 in County Courts (U)	12; 6 if amount in controversy is $500 or less (U)
IOWA	12 (U)	12 (U); 6 in Municipal Courts which have jurisdiction over crimes punishable by one year or less or $500 fine or both (U) (U)	12 (U) troversy is $3,000 or less (U[b])
KANSAS	12 (U)	12; 6[a] in Magistrate Courts (U)	12 (5/6); 6 if amount in controversy is $3,000 or less (U[b])
KENTUCKY	12 (U)	12; 6 in courts of limited jurisdiction over crimes punishable by 1 year or $500 fine (U)	12 (3/4); 6 in courts of limited jurisdiction that have jurisdiction over controversies of $500 or less (5/6)
LOUISIANA	12 (U if capital; 5/6 if punishment is hard labor); 6 if punishment is possibly hard labor (5/6)	6 (5/6)	12 (3/4)

State	Criminal trials		Civil trials
	Felonies	Misdemeanors	
MAINE	12 (U)	12 (U)	6, 7, or 8[d] (3/4)
MARYLAND	12(U)	12 (U)	12 (U)
MASSACHUSETTS	12 in Superior Courts; 6 in District Courts (trials de novo) (U)	12 in Superior Courts; 6 in District Courts (trials de novo) (U)	12 (5/6)
MICHIGAN	12 (U)	12 (U)	6 (5/6); 12 in cases involving civil commitment (U)
MINNESOTA	12 (U)	12 for "gross misdemeanors"; 6 for others (U)	6 (U; 5/6 verdict can be accepted only after 6 hours of deliberation)
MISSISSIPPI	12 (U)	6 if punishable in county jail; otherwise 12 (U)	12; 6 if amount in controversy is less than $200 (3/4)
MISSOURI	12 (U)	12 (U, except for courts not of record: 2/3)	12 (courts of record: 3/4; courts not of record: 2/3)
MONTANA	12 (U)	12; 6 in Justice of the Peace Courts or Police Courts (U)	12; 6 if matter in controversy is less than $10,000 (2/3)
NEBRASKA	12 in District Courts; 6 in County Courts (U)	12 in District Courts; 6 in County Courts and Police Magistrate's Courts--maximum punishment of 1 year in jail (U)	12 in District Courts; 6 in County Courts--less than $5,000 in controversy (5/6 verdict can be accepted, only after 6 hours of deliberation)
NEVADA	12 (U)	12 (U)	8 (3/4)
NEW HAMPSHIRE	12 (U)	12; 6 if no prison term over 1 year can result from conviction (U)	12 (U)
NEW JERSEY	12 (U)	12 (U)	12 and 6 (5/6)
NEW MEXICO	12 (U)	12; 6 in Magistrate's Court --maximum punishment of 6 months in jail (U)	12 (5/6)
NEW YORK	12 (U)	6 (U)	6 (5/6)
NORTH CAROLINA	12 (U)	12; 6 in limited jurisdiction courts (U)	12; 6 in limited jurisdiction courts (U)
NORTH DAKOTA	12 (U)	12 (U)	12; 6 if amount in controversy is $200 or less (U)
OHIO	12 (U)	8 (U)	8; 6 in Municipal and County Courts (3/4)
OKLAHOMA	12 (U)	12; 6 for violations of city ordinances (3/4)	12; 6 if amount in controversy is less than $2,500 (3/4)
OREGON	12; 6 in District and County Courts--maximum punishment of 1 year or less (1st degree murder: U, all others: 5/6)	12; 6 in District and County Courts--maximum punishment of 1 year or less (5/6)	12; 6 in District and County Courts (3/4)
PENNSYLVANIA	12 (U)	12 (U)	12 (5/6)

Table 35: Trial jury size and vote required for verdict, 1980 (continued)

State	Criminal trials		Civil trials
	Felonies	Misdemeanors	
RHODE ISLAND	12 (U)	12 (U)	12 (U)
SOUTH CAROLINA	12 (U)	12; 6 in Magistrate's Court and County Courts for crimes with a potential punishment of less than 30 days in jail or $100 fine (U)	12; 6 in County Courts that have jurisdiction over controversies involving $1,000 or less, and Magistrate's Courts that have jurisdiction in controversies involving $500 or less (U)
SOUTH DAKOTA	12 (U)	12; 6 in matters before a magistrate (U)	12 (5/6); 6 in matters before a magistrate
TENNESSEE	12 (U)	6 (U)	12 (3/4); 6 (U)
TEXAS	12 (U)	12 in District Courts (U) 6 in County Courts (U)	12 in District Courts (3/4); 6 in courts of limited jurisdiction (5/6)
UTAH	12 in capital cases; 8 in all others (U)	8; 4 in courts of limited jurisdiction (U)	8; 4 in courts of limited jurisdiction (3/4)
VERMONT	12 (U)	12; 6 in Justice Courts (U)	12; 6 in Justice Courts (U)
VIRGINIA	12 (U)	7 (U)	12 in "special" cases; 7 in most others; 5 if amount in controversy is less than $5,000 (U)
WASHINGTON	12 (U)	12; 6 in Justice of the Peace Courts--maximum punishment of 6 months in jail (U)	6[a]; 6 in Justice of the Peace Courts--$3,000 or less (5/6)
WEST VIRGINIA	12 (U)	12 (U)	12; 6 in Justice of the Peace Courts (U)
WISCONSIN	12 (U)	6[a] (U)	6[a] (5/6)
WYOMING	12 (U)	12 in District Courts; 6 in County Courts (U)	6[a] in District Courts; 6 in County Courts (U)
AMERICAN SAMOA	(Information not available)		
DISTRICT OF COLUMBIA	12 (U)	12 (U)	6 (U)
GUAM	(Information not available)		
PUERTO RICO	12 (3/4)	(Information not available)	
VIRGIN ISLANDS	(Information not available)		

Note: The information in parentheses refers to the percentage agreement required for a jury verdict. In many states, the number of jurors listed here can be reduced by agreement of all the parties involved in the litigation.

Key:

U = Unanimous verdict

[a] Jury of 12 must be requested; otherwise a jury of 6 will be used.

[b] If jury of less than 12 is agreed to by the parties, the verdict must be reached unanimously.

[c] The jury size for misdemeanor trials in Georgia varies from county to county and may be as small as 5 in some locations.

[d] A jury of 8 in civil cases in Maine must be requested before the day of the trial.

Source: State Court Administrators; NCSP staff review of state statutes; Jon M. Van Dyke, *Jury Selection Procedures*, (Cambridge, Massachusetts: Ballinger Publishing Company, 1977), Appendix E.

Table 36: Compensation of trial jurors, 1980. Per diem and travel reimbursement.

State	Per diem (dollars)	Travel reimbursement
ALABAMA	$10	5¢/mile
ALASKA	$20	None
ARIZONA	$12	10¢/mile
ARKANSAS	$ 5 ($20) $ 6 Justice Courts	5¢/mile 5¢/mile
CALIFORNIA	($ 5) ($ 6) (San Francisco civil trials)	15¢/mile 15¢/mile
COLORADO	$ 3 ($6)	15¢/mile
CONNECTICUT	$20	10¢/mile
DELAWARE	$15	15¢/mile
FLORIDA	$10	10¢/mile
GEORGIA	$10--state average; per diem varies from from $5 to $25	None
HAWAII	$20	20¢/mile
IDAHO	$ 5/half day	10¢/mile
ILLINOIS	$10 (large counties) $ 5 (small counties)	18¢/mile
INDIANA	$ 7.50 ($17.50) ($20.00 in Lake County)	17¢/mile 17¢/mile
IOWA	$10	15¢/mile
KANSAS	$10	None
KENTUCKY	$ 5; expenses allowed up to $7.50/day	None
LOUISIANA	$12 ($8); ($16 in New Orleans)	6¢/mile
MAINE	$20	10¢/mile
MARYLAND	$10; expenses allowed up to $15/day	15¢/mile
MASSACHUSETTS	$14-$18; expenses allowed up to $2.50/day Cambridge--$40 after 3rd day	8¢/mile 8¢/mile
MICHIGAN	$ 7.50/half day	10¢/mile
MINNESOTA	$15	13¢/mile
MISSISSIPPI	$15	None
MISSOURI	$ 6	10¢/mile
MONTANA	$12; $7.50 in Justice of the Peace Courts	10¢/mile; 17¢/mile over 10
NEBRASKA	$20	10¢/mile
NEVADA	$ 9 ($15)	19¢/mile
NEW HAMPSHIRE	$30	17¢/mile
NEW JERSEY	$ 5	2¢/mile
NEW MEXICO	$ 2.30/hour	None
NEW YORK	$12; $8 in Suffolk County expenses allowed-$1/day	8¢/mile
NORTH CAROLINA	$ 8	None
NORTH DAKOTA	$25; $10 in Justice of the Peace Courts	15¢/mile
OHIO	$10; $15 in 3rd week	None
OKLAHOMA	$12.50	5¢/mile
OREGON	$10	8¢/mile
PENNSYLVANIA	$ 9; $25 after 3rd day	17¢/mile
RHODE ISLAND	$15	8¢/mile
SOUTH CAROLINA	$10	None
SOUTH DAKOTA	$10 ($20)	15¢/mile
TENNESSEE	$10	None
TEXAS	$ 6--varies up to $30	None
UTAH	$14; $6 for City Courts	10¢/mile
VERMONT	$30	8¢/mile
VIRGINIA	$15	15¢/mile
WASHINGTON	$10	13¢/mile
WEST VIRGINIA	$15	None
WISCONSIN	$ 8.50/half day; full day varies from $7 to $25	10¢/mile
WYOMING	$ 6/half day	15¢/mile; 18¢/mile for 4-wheel drive vehicles
AMERICAN SAMOA	(Information not available)	
DISTRICT OF COLUMBIA	$30	None
GUAM	(Information not available)	
PUERTO RICO	(Information not available)	
VIRGIN ISLANDS	$15/half day	None

( ) = Dollar amount paid to jurors when serving.

Sources: State Court Administrators; NCSP staff review of state statutes; Virgin Island Code §81, Title 4; Center for Jury Studies, Newsletter #2-2, March 1980.

Part II: State Court Organization Profiles

STATE COURT ORGANIZATION PROFILES

The following section gives a narrative profile of the court system for each of the 50 states, American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. Profiles are arranged in alphabetical order; all states listed first, followed by the territories. A court organization chart (Figure 1) and a state-level administrative office organization chart (Figure 2) are included in each profile.

An outline is provided at the beginning of this section displaying the format used and the kinds of information collected to produce each profile. Much of the information used in each profile was taken from the Implementation of Standards of Judicial Administration (ISJA) project profiles. The NCSP profiles were sent to the respective state court administrative offices for review of accuracy and completeness of data, along with state-specific, "tailored" questionnaires. Each state court administrator was provided a checklist for reviewing the profiles. A prototype of the checklist is included in Appendix B.

As responses were received, staff found it necessary to cross-check some of the data provided by the administrative offices through statutory checks, letters, or telephone calls.

Once the profiles were in final form, verification tables were mailed to the administrative offices emphasizing the need for exact names of courts, number of authorized judges, judge terms of office, jurisdiction of each court, qualification of judges, and scope of authority of quasi-judicial officers.

The state narrative profiles, along with the summary tables in Section 1, give a complete picture of the administrative and structural organization of each state's court system.

Outline of the State Narrative Profiles

Information contained in the narrative profile is organized into seven sections:

1. Court(s) of Last Resort
2. Intermediate Appellate Court(s)
3. Court(s) of General Jurisdiction
4. Court(s) of Limited or Special Jurisdiction
5. State-Level Administration
6. Quasi-Judicial Officers
7. Judicial Dicipline

Sections 1-4 follow a standard format.

(Court Level)

.1.1 (COURT NAME). (First court listed under this court level) (Information on terms of the court.)

.2.1 Organization. (Information on the organization of the court. Included here may be the geographic locations of court sittings, descriptions of the judicial staffing of the court, and special operating procedures. If the court is divided into separate divisions by constitution or statute, the names of the divisions are given here.)

.3.1 Jurisdiction

a. (Original jurisdiction of the court is listed, generally criminal, civil, juvenile, and traffic. If the jurisdiction of the court is broken up among several constitutionally or statutorily specified divisions, the jurisdiction of each division is listed in a separate paragraph.)

b. (Appellate jurisdiction of the court is listed. If the particular court has no appellate jurisdiction, that is noted.)

.4.1 Justices/Judges (number of judicial officers and their special titles)

a. (This section contains information concerning the method of selection for the position of chief judge presiding over all court locations or over each individual location.)

b. (Legal qualifications are given for the judicial officers for the court.)

c. (The method of initial selection, the length of terms, and selection for subsequent terms of judicial officers serving the court is given. Also included is information concerning the filling of interim vacancies.)

.5.1 Administration

a. (The duties of the chief/presiding justice/judge are described. If this position does not exist in a particular court, this is noted.)

b. (The title and job description of the administrative officer of the court is given. If this position does not exist in a particular court, this is noted.)

c. (The title, duties, and method of selection of the clerk of the court are listed.)

.6.1 Rule-making. (This section describes the rule-making authority of the court as a whole and of its chief judge. Courts over which this court has rule-making authority are listed. If another court has rule-making authority over this court, it is listed, along with a reference to the section describing the rule-making authority of that other court.)

The next court at the same level is numbered __.1.2, __.2.2, __.3.2, etc. If there is any court level which is not represented in a particular state (for example, an Intermediate Appellate Court in Virginia or Courts of Limited or Special Jurisdiction in states with unified trial courts), a notation of the fact is made under the heading in a section labeled __.0.

The outline for the remainder of the profile is as follows:

State-Level Administration

5.1 General administrative authority. (The body/officials within the state who, by constitution or statute, possess administrative authority over the court system are named and their responsibilities are listed.)
5.2 (Title of the office of state court administration)
a. (Constitution or statute citation for the authorization of the office.)
b. (Title of the state court administrative officer)
(1) (Authorization for the position of the state court administrative officer is given.)
(2) (The method of selection for the administratiave officer is given.)
(3) (The responsibilities of the administrative officer are listed.)
c. Office organization. (A brief description of the state court administrative office is given, including the breakdown of the number of professional/clerical personnel, the titles of assistants/deputies who aid the administrative officer and their method of selection, and a listing of the general functional areas included in the scope of the office.)

Quasi-Judicial Officers

6.1 (NAME OF COURT)
6.2 (Title of quasi-judicial officer)
a. (The requirements and method of selection for the position are given.)
b. (The authority of the officer, including types of cases and actions performed, is given.)

Judicial Dicipline

7.1 (Name of judicial disciplinary body). (The makeup and method of selection of the judicial disciplinary body is described.)
7.2 Authority and procedure for sanction. (The steps in investigating and resolving complaints against justices or judges are described.)

If there is more than one subsection under a general heading in sections six and seven, these subsections are numbered sequentially, e.g., 6.1.1, 6.2.1, 6.1.2, 6.2.2, etc.

References for the information contained in each subsection appear within brackets at the end of each subsection. The titles for document references are given in full only once. All subsequent references to that source are abreviated.

Two figures are included with each narrative profile as illustrations of the structure described in sections of the profile. Figure 1 gives the organizational structure of the court system. Information is given about levels of courts, numbers of courts and judges, and jurisdiction of courts. Courts with constitutionally or statutorially created divisions are represented by subdivided boxes. Routes of appeal between the courts is used to link the courts into an organizational structure for each state.

The structure and functions of each state court administrative office are displayed in Figure 2. The figure may either identify where each employee fits into the organization (used primarily for states with comparatively small staffs) or it may outline functional areas, noting the responsibilities of each section or division (used primarily for those states with large staffs). Figures 1 and 2 are located in each profile close to the corresponding sections in the narrative.

Figure 1: State court system, 1980

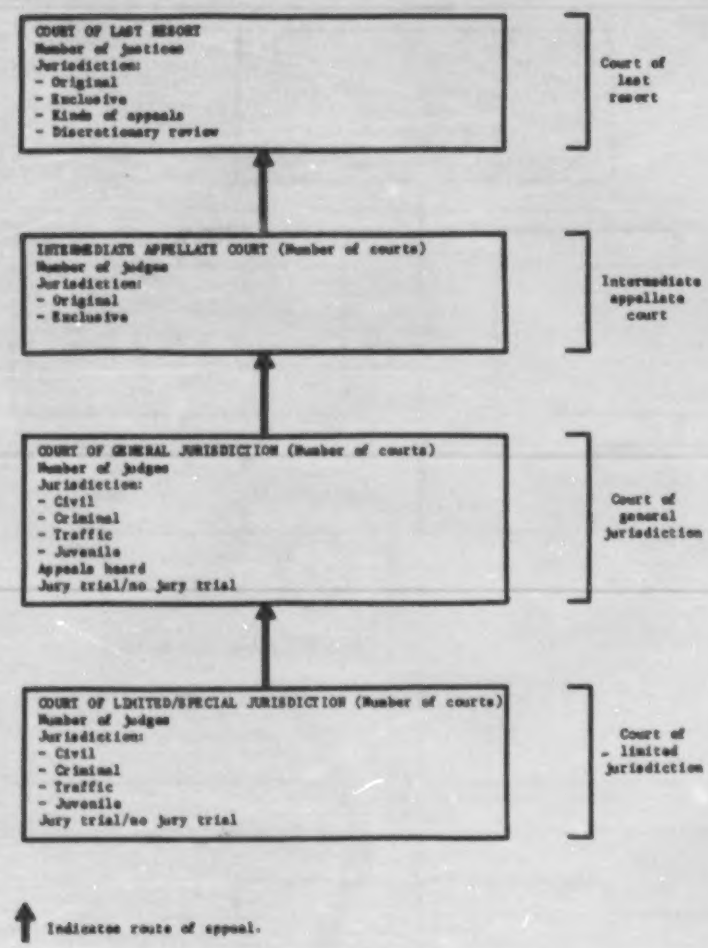
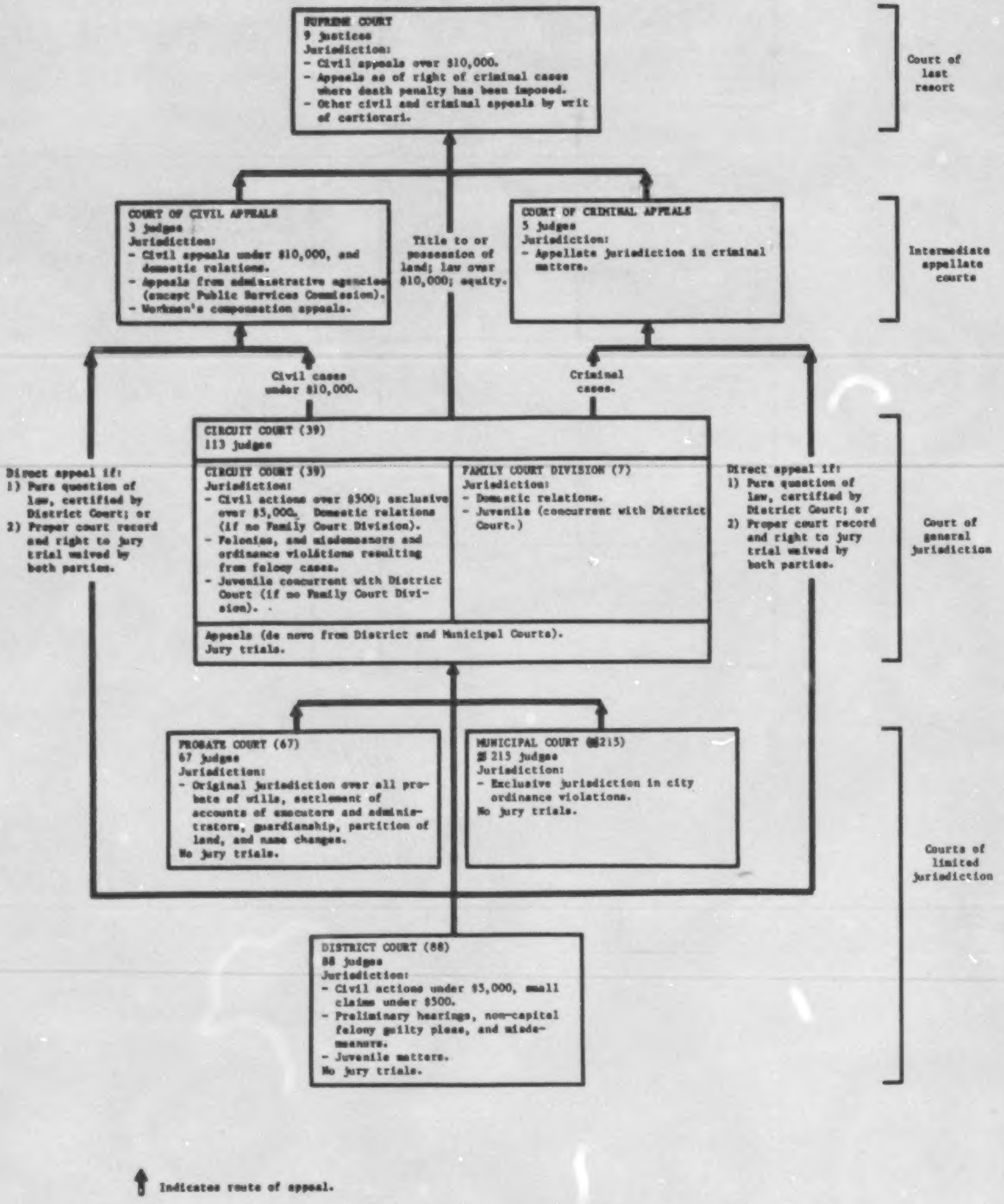

COURT OF LAST RESORT
Number of justices
Jurisdiction:
- Original
- Exclusive
- Kinds of appeals
- Discretionary review
Court of last resort
INTERMEDIATE APPELLATE COURT (Number of courts)
Number of judges
Jurisdiction:
- Original
- Exclusive
Intermediate appellate court
COURT OF GENERAL JURISDICTION (Number of courts)
Number of judges
Jurisdiction:
- Civil
- Criminal
- Traffic
- Juvenile
Appeals heard
Jury trial/no jury trial
Court of general jurisdiction
COURT OF LIMITED/SPECIAL JURISDICTION (Number of courts)
Number of judges
Jurisdiction:
- Civil
- Criminal
- Traffic
- Juvenile
Jury trial/no jury trial
Court of limited jurisdiction
Indicates route of appeal.

Figure 1: Alabama court system, 1980


SUPREME COURT
9 justices
Jurisdiction:
- Civil appeals over $10,000.
- Appeals as of right of criminal cases where death penalty has been imposed.
- Other civil and criminal appeals by writ of certiorari.
Court of last resort
COURT OF CIVIL APPEALS
3 judges
Jurisdiction:
- Civil appeals under $10,000, and domestic relations.
- Appeals from administrative agencies (except Public Services Commission).
- Workmen's compensation appeals.
Title to or possession of land; law over $10,000; equity.
COURT OF CRIMINAL APPEALS
5 judges
Jurisdiction:
- Appellate jurisdiction in criminal matters.
Intermediate appellate courts
Civil cases under $10,000.
Criminal cases.
Direct appeal if:
1) Pure question of law, certified by District Court; or
2) Proper court record and right to jury trial waived by both parties.
CIRCUIT COURT (39)
113 judges
CIRCUIT COURT (39)
Jurisdiction:
- Civil actions over $500; exclusive over $5,000. Domestic relations (if no Family Court Division).
- Felonies, and misdemeanors and ordinance violations resulting from felony cases.
- Juvenile concurrent with District Court (if no Family Court Division).
FAMILY COURT DIVISION (7)
Jurisdiction:
- Domestic relations.
- Juvenile (concurrent with District Court.)
Appeals (de novo from District and Municipal Courts).
Jury trials.
Direct appeal if:
1) Pure question of law, certified by District Court; or
2) Proper court record and right to jury trial waived by both parties.
Court of general jurisdiction
PROBATE COURT (67)
67 judges
Jurisdiction:
- Original jurisdiction over all probate of wills, settlement of accounts of executors and administrators, guardianship, partition of land, and name changes.
No jury trials.
MUNICIPAL COURT (215)
215 judges
Jurisdiction:
- Exclusive jurisdiction in city ordinance violations.
No jury trials.
Courts of limited jurisdiction
DISTRICT COURT (88)
88 judges
Jurisdiction:
- Civil actions under $5,000, small claims under $500.
- Preliminary hearings, non-capital felony guilty pleas, and misdemeanors.
- Juvenile matters.
No jury trials.
Indicates route of appeal.

ALABAMA

Court of Last Resort

1.1 SUPREME COURT. The court sits in Montgomery. Regular terms of court commence on the first Monday of October of each year and continue until June 30 of the following year.

[Code of Alabama, 1975, (hereinafter Code) Title 12, Section 2-8].

1.2 Organization. Internal rules of court may provide for panels.

[Rule 16(d), Alabama Rules of Appellate Procedure (hereinafter A.R.A.P)]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to issue necessary writs and to answer questions of state law as certified by a federal court.

b. The Supreme Court has authority to exercise statewide appellate jurisdiction. The court has exclusive appellate jurisdiction in civil cases where the amount involved exceeds $10,000.

[Constitution, Amendment Number 328, Section 6.02; Code §§12-2-7, 12-3-10]

1.4 Justices (9). The Chief Justice is elected by the voters of the state at general elections. He serves a 6-year term.

a. Supreme Court justices must be licensed to practice law in the state. They must not have reached the age of 70.

b. Supreme Court justices are elected to 6-year terms in partisan primaries and general elections. Vacancies are filled by gubernatorial appointment. The appointees are eligible to stand for election.

[Const., Amend. No. 328, §§6.07, 6.14, 6.15, 6.16; Code §12-2-1; Administrative Director of Courts]

1.5 Administration

a. The Chief Justice is the administrative head of the judicial system. He exercises administration and supervision over the entire court system through the Administrative Director of the Courts, presiding judges, and trial court administrators. Reference Section 5.1 (General Administrative Authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by the justices. The clerk is responsible for administering oaths, taking affidavits, issuing and signing all writs and processes, keeping the papers, docket, and records of the court, entering judgments and proceedings of court, and handling the finances of the court.

[Const., Amend. No. 328, §6.10; Code §§12-2-90, 12-2-97]

1.6 Rule-making. The constitution provides that the Supreme Court will make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts. These rules may be changed by a general act of statewide application. Statutes specify, however, that any provision under Title 12 of the Code of Alabama will apply only if the procedure is not governed by any rule of practice and procedure adopted by the Alabama Supreme Court. The Supreme Court is authorized and empowered in connection with its rule-making power to appoint various advisory or standing committees composed of justices, judges, lawyers, law professors, and others.

[Const., Amend. No. 328, §6.11; Code §§12-1-1, 12-2-7, 12-2-16]

Intermediate Appellate Courts

2.1.1 COURT OF CRIMINAL APPEALS. The Court of Criminal Appeals sits in Montgomery for a term commencing on the first Monday in October of each year and continuing until June 30 of the following year.

[Code §§12-3-5, 12-3-12]

2.2.1 Organization. The full court considers and decides cases.

[Administrative Director of Courts]

2.3.1 Jurisdiction

a. The Court of Criminal Appeals may issue necessary writs.

b. The Court of Criminal Appeals has exclusive appellate jurisdiction over all felonies, all misdemeanors (including ordinance violations), and habeas corpus.

[Const., Amend. No. 328, §6.03; Code §§12-3-9, 12-3-11]

2.4.1 Judges (5)

a. The presiding judge of the Court of Criminal Appeals is elected by the members of that court, and serves at their pleasure.

b. Court of Criminal Appeals judges must be licensed to practice law in the state. They must not have reached the age of 70.

c. Court of Criminal Appeals judges are elected to 6-year terms by the voters of the state at large. Vacancies are filled by gubernatorial appointment.

[Const., Amend. No. 328, §§6.07, 6.13, 6.14, 6.16; Code §§12-3-2, 12-3-4]

2.5.1 Administration

a. The presiding judge is responsible for general supervision of the court.

b. There is no provision for an administrator for the Court of Criminal Appeals. Reference Section 5.2.b (state-level administrator).

c. The judges of the Court of Criminal Appeals are authorized to appoint and employ a clerk. In practice, the clerk has supervisory control over employees; docket work; issuance of writs, opinions, and final judgments; and setting oral arguments. He is also responsible for signing all purchase requisitions, vouchers, and memos as required. He has authority to check petitions for mandamus and to return those that are not worthy of consideration.

[Code §§12-3-20, 12-3-23; Administrative Director of Courts]

2.6.1 Rule-making. Reference Section 1.6.

2.1.2 COURT OF CIVIL APPEALS. The Court of Civil Appeals sits in Montgomery for a term commencing on the first Monday in October of each year and continuing until June 30 of the following year.

[Code §§12-3-5, 12-3-12]

2.2.2 Organization. The Court of Civil Appeals does not sit in panels or divisions.

[See Code §12-3-3]

2.3.2 Jurisdiction

a. The Court of Civil Appeals may issue necessary writs.

b. The Court of Civil Appeals has exclusive appellate jurisdiction over all civil cases where the amount involved does not exceed $10,000, all appeals from administrative agencies other than the Public Service Commission, all appeals in workmen's compensation cases, all appeals in domestic relations cases, and all extraordinary writs arising from appeals in said cases.

[Const., Amend. No. 328, §6.07; Code §§12-3-1, 12-3-10]

2.4.2 Judges (3)

a. The presiding judge of the Court of Civil Appeals is the judge who has served the longest.

b. Court of Civil Appeals judges must be licensed to practice law in the state. They must not have reached the age of 70.

c. Court of Civil Appeals judges are elected to 6-year terms by the voters of the state at large. Vacancies are filled by gubernatorial appointment.

[Const. Amend. No. 328, §§6.07, 6.13, 6.14, 6.16; Code §§12-3-3, 12-3-4]

2.5.2 Administration

a. The presiding judge is responsible for general supervision of the court.

b. There is no provision for an administrator for the Court of Civil Appeals. Reference Section 5.2.b (state-level administrator).

c. The judges of the Court of Civil Appeals are authorized to appoint and employ a clerk. There are no formal provisions for assigning administrative duties to the clerk. The clerk has the same responsibilities as the clerk of the Court of Criminal Appeals. Reference Section 2.5.1.c.

[Code §§12-3-20; 12-3-23]

2.6.2 Rule-making. Reference Section 1.6.

Court of General Jurisdiction

3.1 CIRCUIT COURT. The court sits in continuous session.

[Code §12-11-4].

3.2 Organization. A Circuit Court sits in every county of the state. The state is divided into 39 judicial circuits, each composed of from 1 to 5 counties. Seven Family Courts have been created by legislation of local application in the legislature and sit as a division of the Circuit Court.

[Code §§2-11-1, 12-11-2; Administrative Director of Courts]

3.3 Jurisdiction

a. The Circuit Court has jurisdiction in all felony prosecutions, and in misdemeanors or ordinance violations included within a felony charge or that arise from the same incident as a felony charge. The court has exclusive original jurisdiction in civil actions in which the matter in controversy exceeds $5,000 and concurrent jurisdiction with the District Court when the matter exceeds $500. Presiding judges of a circuit may appoint a circuit or district judge to handle juvenile jurisdiction and domestic relations matters. More than one judge may be appointed. The Family Court has jurisdiction in juvenile and domestic relations matters.

b. The Circuit Court has appellate jurisdiction over criminal, civil, and juvenile cases appealed from the District Court except in cases in which the appeal is directly to a court of appeals. (This occurs when there is an adequate record of facts and all parties have waived right to a jury trial or when the parties agree that only questions of law are involved and the District Court judge certifies the questions.) The court also has jurisdiction over ordinance violation cases appealed from the Municipal Court and cases appealed from the Probate Court. Appeals to the Circuit Court are tried de novo.

[Code §§12-11-30, 12-12-72; Administrative Director of Courts]

3.4 Judges (113)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. The presiding judge of each circuit is elected by a majority vote of the judges in the circuit.

b. Circuit Court judges must be licensed to practice law in the state. They must not have reached the age of 70.

c. Circuit Court judges are elected to 6-year terms by the voters of the circuit.

[Const., Amend. No. 328, §§6.07, 6.13, 6.15, 6.16; Code §12-17-23]

3.5 Administration

a. Whereas there is no chief judge over all the circuits of the Circuit Court, the presiding judge of each circuit exercises general supervision over judges, clerks, registers, court reporters, bailiffs, sheriffs, and other court employees of the Circuit and District Courts within the circuit, except employees of the clerk. He has general supervision over the administrative operation of the District Courts within the circuit, subject to rules of the Supreme Court and the administrative authority of the Chief Justice. The presiding judges of Circuit and District Courts, or their designees over whom they have supervisory authority, determine the calendaring of civil cases within their respective courts.

b. There are no statutory provisions for an administrator over all the circuits of the Circuit Court or for administrators for the individual circuits. Local court administrators serve pursuant to local legislation. Reference Section 5.2.b (state-level administrator).

c. Clerks of the Circuit Court are elected to 6-year terms by the voters of the counties. In addition to clerical and recordkeeping duties, the clerks are responsible for such administrative duties as jury management and budget preparation, under the direction of the presiding circuit judges.

[Const., Amend. No. 328, §6.20; Code §§12-12-10, 12-17-24, 12-17-93, 12-17-94; Alabama Rules of Judicial Administration (hereinafter A.R.J.A.), Rules 4, 15]

3.6 Rule-making. The trial courts are governed by rules adopted by the Supreme Court. Pursuant to Rule 83, Alabama Rules of Civil Procedure (hereinafter A.R.C.P.), the courts may approve local rules not inconsistent with A.R.C.P. In addition, trial courts exercise limited rule-making authority in such areas as determination of days the clerk's office is open. See Rule 77(c), A.R.C.P.; A.R.J.A., Rule 5.

Courts of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. In practice, each court sits in continuous session at the pleasure of the elected judge of the court.

[Administrative Director of Courts]

4.2.1 Organization. Generally, each county constitutes a district. Sessions of the District Court are held in each county seat, each municipality with a population of 1,000 or more where no Municipal Court exists (restricted to municipal cases), and at other locations within counties in which geographical venue lies in more than one place. There is a small claims docket in each District Court. In districts having more than one district judge, the presiding circuit judge may designate a district judge to handle domestic relations matters or juvenile matters. More than one judge may be appointed.

[Code §§12-12-31, 12-15-3, 12-17-61, 12-17-70; Administrative Director of Courts]

4.3.1 Jurisdiction

a. The District Court has jurisdiction over misdemeanors except ordinance violations in municipalities having Municipal Courts, any prosecution involving a felony offense, or any misdemeanor for which an indictment has been returned by a grand jury. The District Court may hold preliminary hearings, and may receive guilty pleas in felonies not punishable by sentence of death. The District Court has jurisdiction over civil actions involving $5,000 or less and civil actions based on unlawful detainer. Certain civil matters are excepted as provided by law. The court has exclusive jurisdiction over small claims involving $500 or less. Juvenile jurisdiction may be exercised by the District Court.

b. The District Court has no appellate jurisdiction.

[Code §§12-12-30, 12-12-31, 12-12-32, 12-12-34]

4.4.1 Judges (88)

a. The presiding judge of each circuit, with the advice and consent of a majority of circuit judges in the circuit, appoints a presiding district judge.

b. District Court judges must be licensed to practice law in the state and must have been residents of their districts for 1 year preceding their election.

c. District Court judges are elected to 6-year terms by the voters of their districts.

[Const., Amend. No. 328, §§6.07, 6.13, 6.15; A.R.J.A., Rule 6]

4.5.1 Administration

a. Under the general supervision of the circuit presiding judges, the district presiding judges perform administrative duties as assigned. In practice, these duties usually include setting the District Court calendar and supervising District Court staff personnel.

b. There are no statutory provisions for administrators for the districts of the District Court. Local court administrators serve pursuant to local legislation. Reference Section 5.2.b (state-level administrator).

c. Except as otherwise provided, the clerk of the Circuit Court is the ex officio clerk of the District Court within the circuit and has administrative responsibility for and supervision of the records and clerical services of the court.

Note: Authority and responsibility for the operation of a separate clerk's office for the District Court may be authorized by the Supreme Court upon the written request of the clerk of the Circuit Court or the judges of the District Court. Whenever a separate district clerk's office is authorized, the circuit clerk is not ex officio clerk of the District Court and has no administrative responsibilities for and supervision over the operation of the office. Instead, this responsibility is vested in the clerk of the District Court, who performs all duties and responsibilities that would have been performed by the circuit clerk. The clerk of a District Court is appointed by the Administrative Director of Courts, with the advice and consent of the presiding judge of the Circuit Court and a majority of the district judges. The clerk may be removed for cause by the Administrative Director and is not subject to the state merit system except for pay purposes.

[Code §§12-17-160, 12-17-161; Administrative Director of Courts]

4.6.1 Rule-making. Reference Sections 1.6 and 3.6

4.1.2 PROBATE COURT. The Probate Court sits in continuous session.

[Code §12-13-3]

4.2.2 Organization. There is a Probate Court in each county. There are no specialized divisions of the court.

[Const., Amend. No. 328, §6.06]

4.3.2 Jurisdiction.

a. The Probate Court has original and general jurisdiction over all probate matters, including the probate of wills, the settlement of accounts of executors and administrators, the appointment and removal of guardians, the partition of lands, name changes, etc.

b. The Probate Court has no appellate jurisdiction.

[Code §§12-13-1]

4.4.2 Judges (67)

a. The Probate Court does not have presiding judges.

b. Probate Court judges must be citizens of the state and must have been residents of their counties for at least 1 year.

c. Probate Court judges are elected to 6-year terms by the voters of their counties.

[Const., Amend. No. 328, §§6.13, 6.15; Code §§12-13-30, 12-13-31]

4.5.2 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. A Probate Court judge has authority to appoint at his own expense a chief clerk and such other clerks as he deems necessary. In practice, the clerk designates District Court magistrates within his office and attends sessions of court as required. He is responsible for indexing files, issuing all processes and notices as required, keeping records of court as required by law, safely keeping or disposing of all papers filed before the court, managing jurors, preparing annual budgets for his office, designating approved state depositaries, remitting fines and forfeitures, preparing appeals transcripts, and acting as local purchasing agent. There are no formal provisions for assigning administrative duties to the clerk.

[Code §12-13-40; Administrative Director of Courts]

4.6.2 Rule-making. Reference Sections 1.6 and 3.6.

4.1.3 MUNICIPAL COURT. In practice, each court sits in continuous session at the pleasure of the appointed judge of the court.

[Administrative Director of Courts]

4.2.3 Organization. A Municipal Court is established in each municipality in the state except those that choose not to have such courts by ordinance. There are no specialized divisions of the court.

[Const., Amend. No. 328, §6.065; Code §12-14-1]

4.3.3 Jurisdiction

a. The Municipal Court has jurisdiction in all prosecutions for violations of municipal ordinances. It also has jurisdiction concurrent with the District Court in all violations of state law that are committed within the police jurisdiction of the municipality and that may be prosecuted as breaches of municipal ordinances.

b. The Municipal Court has no appellate jurisdiction.

[Const., Amend. No. 328, §6.065; Code §12-14-1]

4.4.3 Judges (approximately 215).

a. The number of municipal judges is locally determined. If a municipality has more than one judge, the mayor designates a presiding judge.

b. Municipal Court judges must be licensed to practice law in the state and must be qualified voters of the state.

c. The governing body of the municipality appoints municipal judges by majority vote of its members. Full-time judges serve 4-year terms; part-time judges serve 2-year terms.

[Const., Amend. No. 328, §6.065; Code §12-14-30]

4.5.3 Administration

a. A presiding judge of a Municipal Court has such additional duties and powers as provided by ordinance.

b. There are no provisions for administrators of the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. The municipality must provide necessary support personnel for the Municipal Court and may provide for clerks. There are no statutory provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Code §§12-14-2, 12-14-30]

4.6.3 Rule-making. Reference Sections 1.6 and 3.6.

State-Level Administration

5.1 General administrative authority. The constitution provides that the Supreme Court has general supervision and control over the state courts. It further provides that the Chief Justice is the administrative head of the judicial system. The Chief Justice must see that the business of the courts is attended with proper dispatch and that cases are not permitted to become congested or delayed, and he must see that prisoners do not remain in jail without a prompt trial. The constitution provides that the Chief Justice must appoint an Administrative Director of Courts and other needed personnel to assist him with his administrative tasks. Appellate justices and judges may be assigned to any appellate court for temporary service, and trial judges, supernumerary justices and judges, and retired judges may be assigned to any court for temporary service.

[Const., Amend. No. 328, §§6.02, 6.10; Code §12-2-30]

5.2 Administrative Office of Courts

a. The Administrative Office of Courts is created by law.

b. Administrative Director of Courts

(1) The position of Administrative Director is authorized by the constitution.

(2) There are no statutory qualifications for the Administrative Director of Courts. In practice, he is expected to have a college degree and extensive management experience and/or a degree in public administration or management. The Administrative Director is appointed by the Chief Justice.

(3) The Administrative Director assists the Chief Justice in connection with his duties as administrative head of the judicial system. He supports the Chief Justice in seeing that the business of the courts is attended with proper dispatch, that the dockets are not permitted to become congested, and that trials and appeals are not delayed unreasonably. He is also authorized to direct the expenditure of funds to accounts for the judicial education of justices, judges, or court supportive personnel. In addition, he is responsible for the coordination of functions and duties of administrative personnel of the trial courts or of the local court personnel systems and for the transfer and direction of expenditure of monies appropriated to certain state agencies and courts. The Administrative Director serves as ex officio head of the Department of Court Management (reference Section 5.2.c below).

c. Office organization. All officials, officers, and employees of the Administrative Office of Courts are appointed and employed by the Chief Justice. The office consists of 81 people: 40 professionals (including the Administrative Director of Courts) and 41 clerical personnel. Within the administrative office is a department known as the Department of Court Management. This department is specifically charged with the duty of assisting the Chief Justice in connection with his duties as chief administrative officer of all the trial courts in the state. Unless the Chief Justice otherwise directs, the department is responsible for trial court administration.

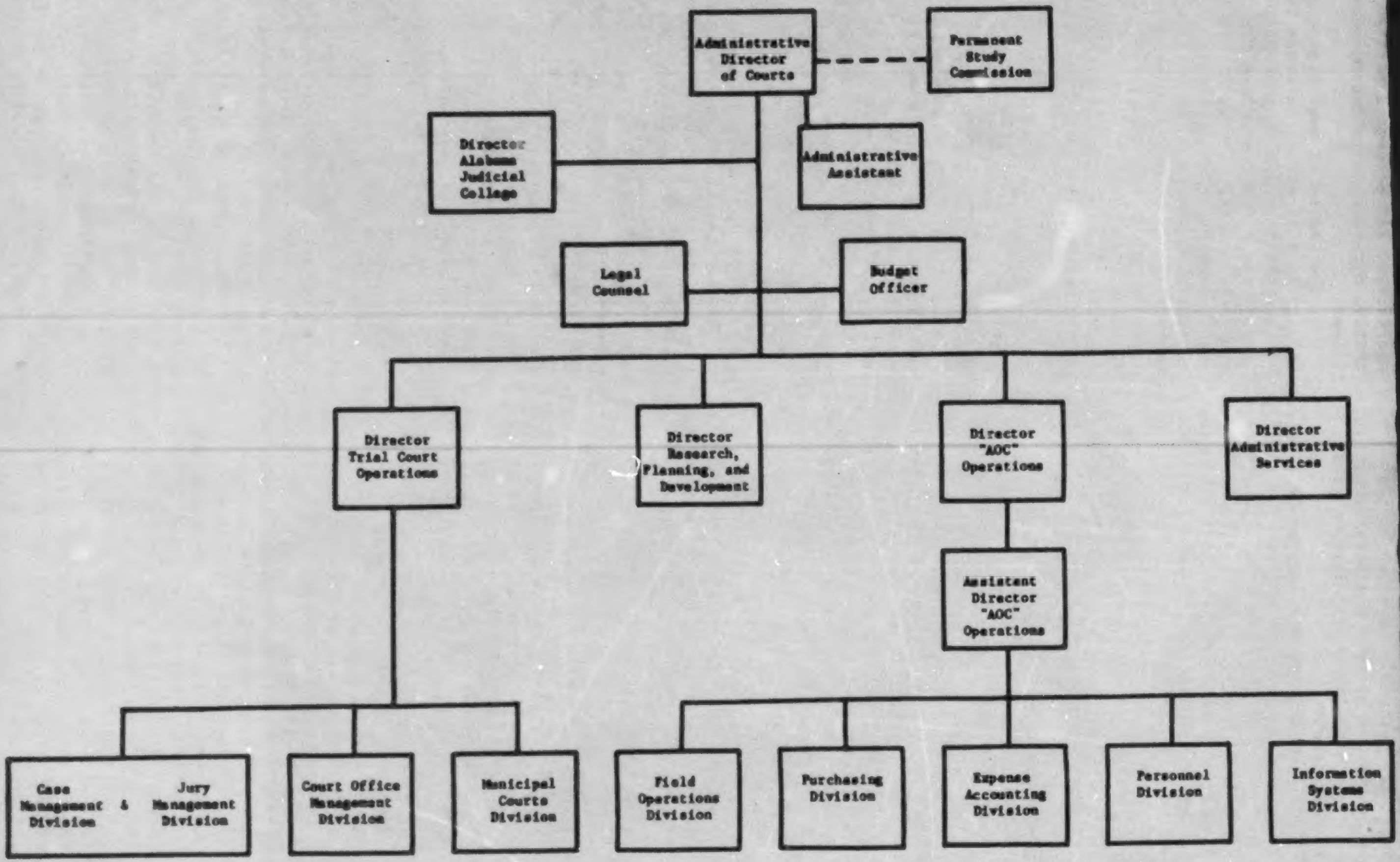
The administrative office performs the following duties:

(1) It works with the clerks and registers of all trial courts in the state to collect, obtain, compile, and digest information and statistics concerning the administration of justice in the state.

(2) It serves as an agency to apply for and receive grants or other assistance and to coordinate and conduct studies and projects in connection with the improvement of the administration of justice and trial courts in Alabama.

(3) It assists the Judicial Conference (reference Table 29: Judicial councils and conferences).

Figure 2: Alabama state-level administrative office of the courts, 1980


Administrative Director of Courts
Permanent Study Commission
Director Alabama Judicial College
Administrative Assistant
Legal Counsel
Budget Officer
Director Trial Court Operations
Director Research, Planning, and Development
Director "AOC" Operations
Director Administrative Services
Assistant Director "AOC" Operations
Case Management & Jury Management Division
Court Office Management Division
Municipal Courts Division
Field Operations Division
Purchasing Division
Expense Accounting Division
Personnel Division
Information Systems Division

(4) It promotes, carries on, and assists the continuing legal and judicial education of justices, judges, clerks, registers and other court personnel and works with any organization or association of such officials.

(5) It performs other duties as may be assigned by the Chief Justice.

[Const. Amend. No. 328, §6.10; Code §§12-2-30, 12-5-1, 12-5-2, 12-5-3, 12-5-6, 12-5-8, 12-5-9, 12-5-11, 12-5-13, 12-5-39; Assistant Director, Administrative Office; Administrative Director of Courts]

Quasi-Judicial Officers

6.1.1 CIRCUIT AND DISTRICT COURTS
6.2.1 Referee

a. District Court judges may appoint, with the approval of the Administrative Director of Courts, referees to serve on a full-time or part-time basis in connection with juvenile cases. Referees must be licensed to practice law in Alabama, with the exception of those who had been serving as referees for 10 or more years on January 16, 1977.

b. Juvenile hearings may be conducted by a referee if the judge so directs. Upon conclusion of a hearing, the referee must transmit his findings and recommendations for disposition to the judge. Written notice is also given to the parties, who have the right to a rehearing before the judge. If a hearing before the judge is not requested or ordered, the findings and recommendations of the referee, if confirmed by an order of the judge or as modified by the judge, become the decree of the court.

[Code §§12-15-6, 12-17-330]

6.1.2 DISTRICT AND MUNICIPAL COURTS
6.2.2 Magistrate

a. An administrative agency is established in Alabama called the Magistrates Agency, and is divided into two divisions, the District Court Magistrates Agency Division and the Municipal Court Magistrates Agency Division. The District Court Magistrates Agency Division includes the following: all clerks of state trial courts and their designees within office; all persons serving as full-time magistrates or warrant clerks on September 1, 1976; and all persons appointed to serve as magistrates by the Administrative Director of Courts, upon recommendation by the judge or judges and the clerk of the District Court. The division also includes any judge of a court of limited jurisdiction in any county (municipal judges excluded) whose judgeship has been abolished by Amendment 328 prior to the expiration of his term who elects to automatically become a magistrate for the duration of his unexpired term as a judge.

The Municipal Court Magistrates Agency Division is composed of the following: all clerks of Municipal Courts and any persons within the clerks' offices designated by the Administrative Director of Courts, upon recommendation of the clerks; and all persons appointed by the administrative director, upon recommendation by municipal judges.

b. The powers of magistrates are limited to: (a) issuance of arrest warrants (and in the District Court only, setting of bail under the direction of the court and, where the magistrate is licensed to practice law in Alabama, issuance of search warrants); (b) granting of bail under the direction of the court in minor misdemeanor prosecutions; and (c) receiving of guilty pleas in minor misdemeanors where a schedule of fines has been prescribed by rules.

[Code §12-14-50 to §12-14-52; §12-17-250 to §12-17-253; A.R.J.A., Rule 18]

Judicial Discipline

7.1.1 Judicial Inquiry Commission. The commission consists of seven members: one appellate justice or judge appointed by the Supreme Court, two circuit judges appointed by the Circuit Judges' Association, two nonlawyers appointed by the Governor, and two members of the bar appointed by the governing body of the Alabama State Bar.

[Const., Amend. No. 328, §6.17]

7.2.1 Authority and procedure for sanction. The Supreme Court adopts rules governing the procedures of the commission. The commission is convened permanently with authority to conduct investigations and receive or initiate complaints concerning any judge in the state. The commission files a complaint with the Court of the Judiciary (reference Section 7.1.2 below) if a majority of the members decide that a reasonable basis exists (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, or failure to perform his duties; or (2) to charge that the judge is physically or mentally unable to perform his duties. All proceedings are confidential except the filing of a complaint with the Court of the Judiciary. The commission, which has subpoena power, prosecutes the complaints.

[Const., Amend. No. 328, §6.17]

7.1.2 Court of the Judiciary. The court consists of one appellate judge, selected by the Supreme Court, who serves as chief judge of the Court of the Judiciary; two circuit judges, selected by the Circuit Judges' Association; and two members of the state bar, selected by the governing body of the Alabama State Bar.

[Const., Amend. No. 328, §6.18]

7.2.2 Authority and procedure for sanction. The Supreme Court adopts rules governing the procedures of the Court of the Judiciary. The court is convened to hear complaints filed by the Judicial Inquiry Commission and has power to issue subpoenas. A judge aggrieved by a decision of the court may appeal to the Supreme Court, which will review the record of the proceedings on the law and the facts.

[Const., Amend. No. 328, §6.18]

ALASKA

Court of Last Resort

1.1 SUPREME COURT. Terms are held in Juneau, Anchorage, and Fairbanks, and at such other places as may be required, as ordered by the court. The court holds sessions on dates fixed by court rule.

[Alaska Statutes (hereinafter A.S.) Section 22.05.030; Rules of Court, Administrative Rule 18(a)]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

[Administrative Director of the Courts]

1.3 Jurisdiction

a. The Supreme Court may issue injunctions, writs, and all other processes necessary for the complete exercise of its jurisdiction.

b. The Supreme Court has final appellate jurisdiction in all actions and proceedings. Appeal to the Supreme Court is a matter of right only in those actions and proceedings from which there is no right of appeal to the Court of Appeals (reference Section 2.3). A decision of the Superior Court on an appeal from an administrative agency decision may be appealed to the Supreme Court as a matter of right. The Supreme Court may in its discretion review final decision of the Court of Appeals on application of a party (review by the Supreme Court). The court may also in its discretion review a final decision of the Superior Court on an appeal of a civil case commenced in the District Court.

[A.S. §§22.05.010, 22.07.020, 22.07.030]

1.4 Justices (5)

a. The Chief Justice is selected from among the justices by a majority vote of the justices and serves a 3-year term. A justice may serve more than one term as Chief Justice, but he may not serve consecutive terms.

b. Supreme Court justices must be citizens of the United States and of Alaska, must have been residents of the state for 5 years immediately preceding their appointment, must be licensed to practice law in the state, and must possess any additional qualifications prescribed by law. A justice must have been engaged in the active practice of law for not less than 8 years immediately preceding his appointment.

c. The Governor fills any vacancy in the office of Supreme Court justice by appointing one of two or more persons nominated by the Judicial Council (reference Table 12: Characteristics of judicial nominating commissions). Each Supreme Court justice is subject to approval or rejection in a retention election on a nonpartisan ballot at the first general election held more than 3 years after his appointment. Thereafter, each Supreme Court justice is subject to approval or rejection in a like manner every 10th year.

[Constitution, Article IV, Sections 2(6), 4, 5, 6; A.S. §22.05.070]

1.5 Administration

a. The Chief Justice is the administrative head of all courts. The Supreme Court exercises administration and supervision over the entire court system through the Administrative Director of the Courts, presiding judges, area court administrators in three judicial districts, and the clerk of the Second Judicial District. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. A clerk, who is appointed by and serves at the pleasure of the Supreme Court, is authorized by court rule. There are no formal provisions for assigning administrative duties to the clerk. In practice, the clerk supervises 11 other clerks who perform duties similar to those of trial court clerks.

[Const., Art. IV, §16; Rules of Court, Administrative Rule 27; Administrative Director of the Courts]

1.6 Rule-making. The Supreme Court makes and promulgates rules governing practice and procedure in criminal and civil cases in all courts. These rules may be changed by the legislature by a two-thirds vote of the members elected to each house. The Supreme Court also makes and promulgates rules governing the administration of all courts.

[Const., Art. IV, §15]

Intermediate Appellate Court

2.1 COURT OF APPEALS. Terms are held in Anchorage, and at such other places as may be required, as ordered by the court. The court holds sessions on dates fixed by court rule.

[Rules of Court, Administrative Rule 18 (a)]

2.2 Organization. The court sits en banc to decide all matters.

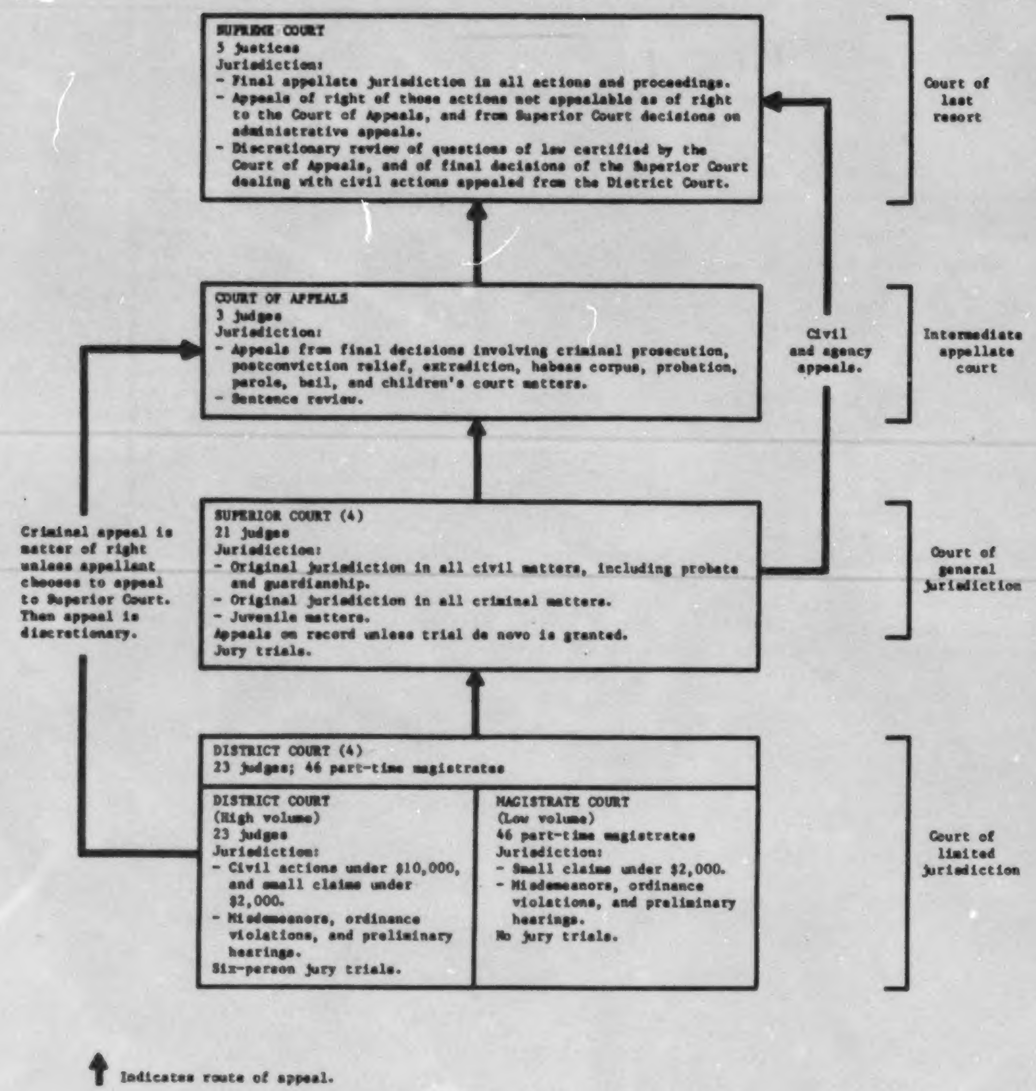
[Administrative Director of the Courts]

2.3 Jurisdiction.

a. The Court of Appeals may issue injunctions, writs, and all other process necessary for the complete exercise of its jurisdiction.

b. The Court of Appeals has appellate jurisdiction in actions and proceedings commenced in the Superior Court involving the following: criminal prosecution; postconviction relief; children's court matters including waiver of children's court jurisdiction over a minor; extradition; habeas corpus; probation and parole; and bail. The court has jurisdiction to hear appeals of sentences of imprisonment imposed by the Superior Court on the grounds that the sentence is excessive or too lenient and, in the exercise of this jurisdiction, may modify the sentence as provided by law and the state constitution. The Court of Appeals also has jurisdiction to review the following: (1) a final

Figure 1: Alaska court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Final appellate jurisdiction in all actions and proceedings.
- Appeals of right of those actions not appealable as of right to the Court of Appeals, and from Superior Court decisions on administrative appeals.
- Discretionary review of questions of law certified by the Court of Appeals, and of final decisions of the Superior Court dealing with civil actions appealed from the District Court.

COURT OF APPEALS
3 judges
Jurisdiction:
- Appeals from final decisions involving criminal prosecution, postconviction relief, extradition, habeas corpus, probation, parole, bail, and children's court matters.
- Sentence review.

SUPERIOR COURT (4)
21 judges
Jurisdiction:
- Original jurisdiction in all civil matters, including probate and guardianship.
- Original jurisdiction in all criminal matters.
- Juvenile matters.
Appeals on record unless trial de novo is granted.
Jury trials.

DISTRICT COURT (4)
23 judges; 46 part-time magistrates

DISTRICT COURT
(High volume)
23 judges
Jurisdiction:
- Civil actions under $10,000, and small claims under $2,000.
- Misdemeanors, ordinance violations, and preliminary hearings.
Six-person jury trials.

MAGISTRATE COURT
(Low volume)
46 part-time magistrates
Jurisdiction:
- Small claims under $2,000.
- Misdemeanors, ordinance violations, and preliminary hearings.
No jury trials.

Criminal appeal is matter of right unless appellant chooses to appeal to Superior Court. Then appeal is discretionary.

Civil and agency appeals.

Court of last resort
Intermediate appellate court
Court of general jurisdiction
Court of limited jurisdiction

Indicates route of appeal.

decision of the District Court in an action or proceeding involving criminal prosecution, postconviction relief, extradition, probation and parole, and habeas corpus or bail; and (2) the final decision of the District Court on a sentence imposed by it. An appeal to the Court of Appeals is a matter of right in all actions and proceedings within its jurisdiction except that (1) the right of appeal to the Court of Appeals is waived if an appellant chooses to appeal the final decision of the District Court to the Superior Court; and (2) the state has no right of appeal in criminal cases except to test the sufficiency of the indictment or information or to appeal a sentence on the ground that it is too lenient. The Court may in its discretion (1) review a final decision of the Superior Court on an appeal from a District Court in an action or in proceedings involving criminal prosecution, post conviction relief, extradition, probation and parole, and habeas corpus or bail; and (2) review the final decision of the Superior Court on appeal of a sentence imposed by the District Court. A final decision of the Court of Appeals is binding on the Superior Court and on the District Court unless superseded by a decision of the Supreme Court.

[A.S. §22.07.020, 47.10.010(a)(1)]

2.4 Judges (3)

a. The Chief Justice designates one judge to be presiding judge. A presiding judge holds office for a term of 1 year and is eligible to succeed himself thereafter.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. The Governor fills any vacancy in the office of Court of Appeals justice by appointing one or two or more persons nominated by the Judicial Council (reference Table 12: Characteristics of judicial nominating commissions). Each judge is subject to approval or rejection in a retention election on a nonpartisan ballot at the first general election held more than 3 years after his appointment. Thereafter, each judge is subject to approval or rejection in a like manner every eight years.

[Const., Art. IV, §5; A.S. §§22.07.060, 22.07.076]

2.5 Administration

a. The presiding judge has administrative authority over the court, to the extent delegated by the Chief Justice.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court performs all administrative duties for the Court of Appeals.

[Administrative Director of the Courts]

2.6 Rule-making. The Court of Appeals has no rule-making authority. Reference Section 1.6.

[Administrative Director of the Courts]

Court of General Jurisdiction

3.1 SUPERIOR COURT. The Superior Court holds sessions at times designated by rule or order of the Supreme Court.

[A.S. §22.10.050]

3.2 Organization. There is one Superior Court for the state, consisting of four districts defined by geographic boundaries. The Superior Court holds regular sessions in each district at places designated by rule or order of the Supreme Court. There are no specialized divisions of the court.

[A.S. §§22.10.010, 22.10.050]

3.3 Jurisdiction

a. The Superior Court has original jurisdiction in all criminal and civil matters including but not limited to probate and guardianship of minors and incompetents. The Superior Court exercises juvenile jurisdiction in matters involving juvenile intake, formal petitions, adjudication and disposition hearings, and annual review of those institutionalized.

b. The Superior Court has jurisdiction over all matters appealed to it from a subordinate court or administrative agency when appeal is provided by law. Appeals are a matter of right, but no appeal may be taken by the defendant in a criminal case after a plea of guilty, except on the ground that the sentence was excessive. The hearings on appeal from a final order or judgment of a subordinate court or administrative agency must be on the record unless the Superior Court grants a trial de novo.

[A.S. §22.10.020; Administrative Director of the Courts]

3.4 Judges (21)

a. There is no provision for a chief judge over the four districts. The Chief Justice designates one judge from each judicial district to be presiding judge of that district. A presiding judge holds office for a term of 1 year and is eligible to succeed himself thereafter.

b. Superior Court judges must have been citizens of the United States and of Alaska for at least 5 years immediately preceding their appointment, must have been engaged for not less than 5 years in the active practice of law, and at the time of appointment must be licensed to practice law in the state.

c. The Governor fills any vacancy on the Superior Court by appointing one of two or more persons nominated by the Judicial Council (reference Table 12: Characteristics of judicial nominating commissions). Each Superior Court judge is subject to approval or rejection on a nonpartisan ballot at the first general election held more than 3 years after his appointment. Thereafter, he is subject to approval or rejection in like manner every 6th year.

[Const., Art. IV, §§4, 5, 6; A.S. §§22.10.090, 22.10.130; Rules of Court, Administrative Rule 37(a)]

3.5 Administration. The Alaska trial courts are administered through mid-level, multi-court units of administration. The state is divided into four judicial districts with one division of the Superior Court and District Court in each.

a. Whereas there is no chief judge over the four districts, the presiding judge of each judicial district is responsible for supervising the administration of all court units within his district. The presiding judge may appoint acting district judges as needed, and he appoints the magistrates for the District Court of his judicial district. He assigns district judges and magistrates in his judicial district as to time and place to hold court. The presiding judge also assigns cases pending to the judges made available within the district, supervises the judges and their court personnel in the carrying out of their official duties, and expedites and keeps current the business of the court within the district. The presiding judge in any judicial district may assign any district judge or magistrate within his district to serve temporarily in any other judicial district. The presiding judge of each judicial district and the Administrative Director must, after consideration of the state of the District Magistrate Court dockets from time to time, submit joint recommendations to the Supreme Court as to methods of improving the administration of justice in such courts. In addition, the presiding judge prescribes when the judges in his district will take their annual vacations.

b. There is no provision for an administrator over the four districts. Area court administrators are authorized for three of the four judicial districts. The area court administrators implement policies and procedures of the Alaska court system; participate in the formulation and implementation of local court policies, procedures, and objectives; and direct and coordinate the functions of local department heads.

c. In the judicial district where the position of area court administrator has not been authorized (the Second Judicial District), a clerk is appointed for that district. The clerk has responsibility for the following duties:

(1) Attending sessions of the Superior Court in his district and waiting upon a judge or judges of the court in chambers when required.

(2) Keeping such indexes as will ensure ready reference to any action or proceeding filed in the court.

(3) Issuing all process and notices required to be issued.

(4) Keeping the minutes and maintaining such other records of the court as are required by the rules and the Administrative Director.

(5) Safely keeping or disposing of, according to law or rule of the Supreme Court, all papers and records filed or deposited in any action or proceeding before the court.

(6) Performing such duties as are or may be required of him by the Superior Court and by the rules of the Supreme Court.

[A.S. §§22.10.010, 22.10.130, 22.15.020, 12.15.170, 22.15.190; Rules of Court, Administrative Rules 30(a), 30(b), 33(a), 33(b), 33(e), 37(a), 48(a); Alaska Court System, Class Specification]

3.6 Rule-making. Reference Section 1.6.

Court of Limited or Special Jurisdiction

4.1 DISTRICT COURT. The District Court sits in continuous session. The presiding judge of the Superior Court in each judicial district assigns District Court judges and magistrates in his judicial district as to time to hold court.

[A.S. §22.15.190; Rules of Court, Administrative Rule 33(a)]

4.2 Organization. There is a District Court in each of the four judicial districts of the Superior Court. The Superior Court presiding judges assign district judges and magistrates as to the place to hold court in their respective districts. The District Court is divided into two types of courts, one presided over by judges, the other, known as Magistrate Court, presided over by magistrates.

[A.S. §§22.15.010, 22.15.190; Rules of Court, Administrative Rules 33(a)]

4.3 Jurisdiction

a. The civil jurisdiction of the District Court is limited generally to actions not exceeding $10,000 and to small claims jurisdiction when the relief sought does not exceed $2,000. The District Court has jurisdiction over misdemeanors and violations of the ordinance of political subdivisions. The jurisdiction of the District Court does not extend to an action in which the title to real property is in question; or an action for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction upon a promise to marry, actions of an equitable nature, or actions in which the state is a defendant.

Magistrate Court has the same criminal jurisdiction but is limited to small claims under $2,000 in civil jurisdiction.

b. The District Court has no appellate jurisdiction.

[A.S. §§22.15.030, 22.15.040, 22.15.050, 22.15.060]

4.4 Judges (23) and magistrates (46). The number of district judges and magistrates within each judicial district is set forth in the statutes, and may be increased or decreased by rule of the Supreme Court.

a. Reference Section 3.5.a.

b. District Court judges must be citizens of the United States and of the state, must be at least 21 years of age, and must have been residents of the state for at least 5 years immediately preceding appointment. A judge must also have been engaged for not less than 3 years in the active practice of law, and at the time of appointment must be licensed to practice law in the state.

Magistrates must be citizens of the United States and of the state, must be at least 21 years of age, and must have been residents of the state for at least 6 months immediately preceding appointment.

c. The Governor must fill a vacancy or appoint a successor to fill an impending vacancy in the office of District Court judge within 45 days after receiving nominations from the Judicial Council (reference Table 12: Characteristics of judicial nominating commissions) by appointing one of two or more persons nominated by the council for each actual or impending vacancy. Judges face a retention election 1 year after their appointment. Thereafter, they are subject to approval or rejection in like manner every 4 years.

The presiding judge of the Superior Court in each judicial district appoints the magistrates for the District Court for the judicial district. Magistrates serve at the pleasure of the presiding judges.

[A.S. §§15.35.100, 22.15.020, 22.15.160, 22.15.170; Rules of Court, Administrative Rule 31; Administrative Director of the Courts]

4.5 Administration

a. Reference Section 3.5.a.

b. Reference Section 3.5.b.

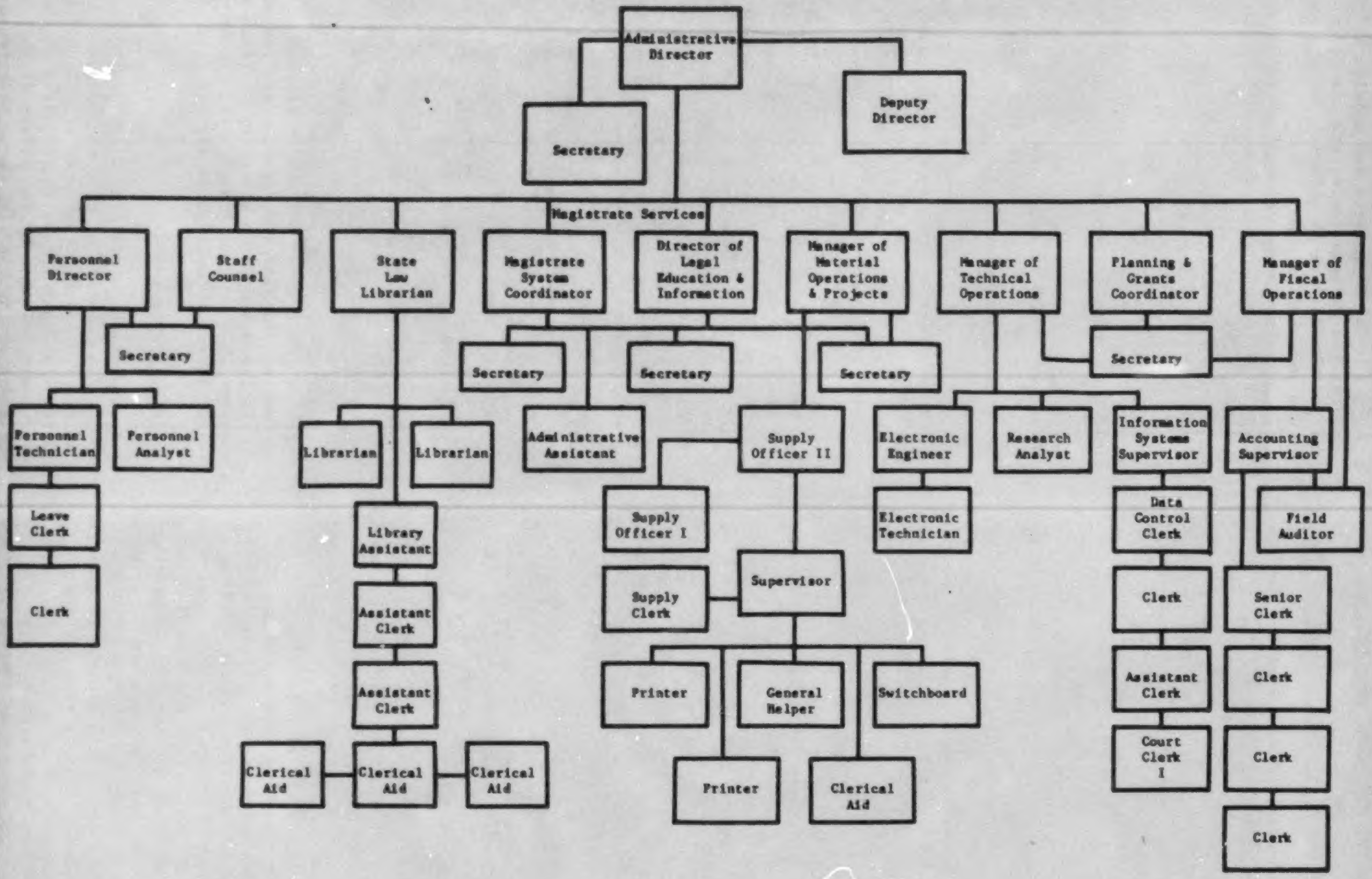
c. Reference Section 3.5.c.

4.6 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice of the Supreme Court is the administrative head of all courts. The Chief Justice may assign judges from one court or division thereof to another for temporary service. With the approval of the Supreme Court, he appoints an Administrative Director to serve at his pleasure and to supervise the administrative operations of the judicial system. He also designates a presiding judge for each judicial district. The Chief Justice may assign a Superior Court judge and his court personnel for temporary duty anywhere in the state. Reference Section 1.5.a.

Figure 2: Alaska state-level administrative office of the courts, 1980


Administrative Director
Secretary
Deputy Director
Magistrate Services
Personnel Director
Staff Counsel
State Law Librarian
Magistrate System Coordinator
Director of Legal Education & Information
Manager of Material Operations & Projects
Manager of Technical Operations
Planning & Grants Coordinator
Manager of Fiscal Operations
Secretary
Secretary
Secretary
Secretary
Secretary
Personnel Technician
Personnel Analyst
Leave Clerk
Clerk
Librarian
Librarian
Library Assistant
Assistant Clerk
Assistant Clerk
Clerical Aid
Clerical Aid
Clerical Aid
Administrative Assistant
Supply Officer II
Supply Officer I
Supervisor
Supply Clerk
Printer
General Helper
Switchboard
Printer
Clerical Aid
Electronic Engineer
Electronic Technician
Research Analyst
Information Systems Supervisor
Data Control Clerk
Clerk
Assistant Clerk
Court Clerk I
Accounting Supervisor
Field Auditor
Senior Clerk
Clerk
Clerk
Clerk

[Const., Art. IV, §16; A.S. §§22.05.150, 22.10.130, 22.10.140]

5.2 Office of the Administrative Director of the Courts

a. There is no specific authorization for the Office of the Administrative Director of the Courts.

b. Administrative Director of the Courts

(1) The Alaska Constitution, Article IV, §16 authorizes the appointment of an Administrative Director of the Courts.

(2) The Administrative Director is required to have a college degree and prior experience in court administration; a law degree is desirable. The Administrative Director is appointed by the Chief Justice with the approval of the Supreme Court.

(3) Under the supervision and direction of the Chief Justice of the Supreme Court, the Administrative Director of the Courts has the following duties and responsibilities:

(a) Supervises the administrative operation of the judicial system.

(b) Establishes the administrative methods and systems to be employed in the offices of the clerks and other officers of the courts.

(c) Periodically inspects and examines the administrative methods and systems in use and makes recommendations to the Chief Justice for the improvement of such administrative methods and systems.

(d) Examines the state of the dockets of all courts, and determines the need for assistance by any court. He confers with the Superior Court judges on the status of their calendars and administrative matters at the request of the Chief Justice.

(e) Makes recommendations to the Chief Justice relating to the assignment or reassignment of judges where courts are in need of assistance and carries out the directions of the Chief Justice as to the assignment of judges within or to other judicial districts where the courts are in need of assistance.

(f) Collects and compiles statistical and other data pertaining to caseload and transmits copies of the same to the Supreme Court and the Judicial Council to the end that proper action may be taken in respect thereto.

(g) Prepares and submits budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and makes recommendations with respect thereto.

(h) Draws all requisitions requiring the payment of state monies appropriated for the maintenance and operation of the judicial system.

(i) Collects statistical and other data and makes reports relating to the expenditure of public monies, state and local, for the maintenance and operation of the judicial system and the offices connected therewith.

(j) Obtains reports from clerks of court in accordance with the requirements of the Supreme Court on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and makes report thereof to the Chief Justice, the Supreme Court, and the Judicial Council.

(k) Acts as secretary of the Judicial Council and performs such other duties as may be assigned by the Supreme Court and the Chief Justice.

(l) Formulates and submits to the Chief Justice, the Supreme Court, and the Judicial Council recommendations of policies for the improvement of the judicial systems.

(m) Serves as legal advisor for the Chief Justice and the Supreme Court in all legal matters not adjudicatory in nature:

(i) Prepares memoranda on statutes which may affect the judiciary.

(ii) Drafts of rules of practice and procedure.

(iii) Conducts and supervises research on procedure and court administration.

(iv) Instructs court personnel concerning rules or statutes governing ministerial and other nonadjudicatory duties.

(v) Prepares a syllabus for the basic legal instruction of magistrates and other lay personnel.

(vi) Annotates and edits revisions and supplements to the Alaska Rules of Court Procedure.

(vii) Renders legal opinions in any nonadjudicatory matter as he may be directed from time to time by the Chief Justice.

(n) Attends to such other matters as may be assigned by the Chief Justice.

c. Office organization. The Office of the Administrative Director of the Courts consists of 59 people: 19 professionals (including the Administrative Director of the Courts) and 40 clerical personnel. The professional staff provides support services in the following areas: computer operations and data entry; facilities management and jury management; accounting, auditing, and purchasing; education, training, and library services; personnel systems and office management; legislative liaison; and planning and research activities, which include statistical compilation, research, and statistical analysis.

[Const., Art. IV, §16; A.S. §22.05.150; Rules of Court, Administrative Rule 1; Administrative Director of the Courts]

Quasi-Judicial Officers

6.1 SUPERIOR COURT

6.2 Master

a. Masters are appointed by the judges of the Superior Court or by the Administrative Director of Courts. In practice, masters are lawyers.

b. Masters have no authority to issue orders; however, they do make findings and recommendations to the Superior Court judge for his disposition.

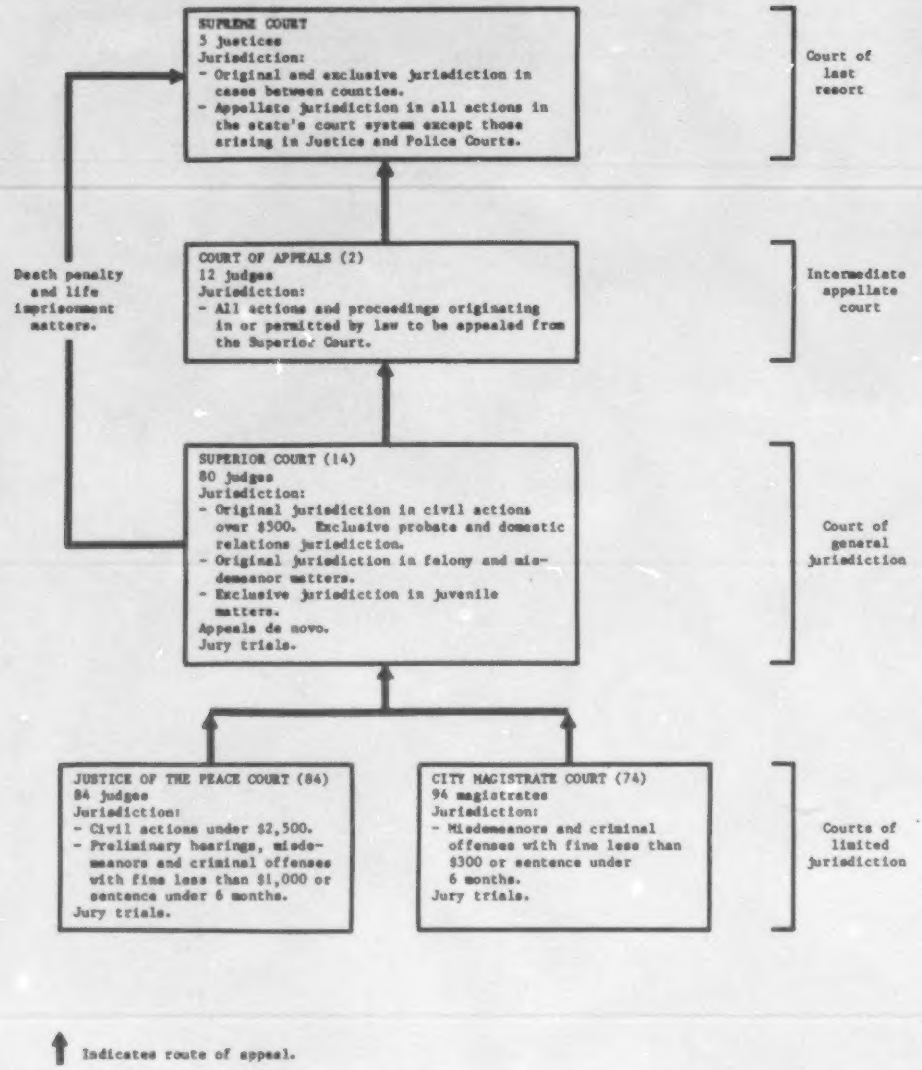
Judicial Discipline

7.1 Commission on Judicial Qualifications. The commission consists of nine members as follows: one justice of the Supreme Court, elected by the justices of that court; three judges of the Superior Court, elected by the judges of that court; one judge of the District Court, elected by the judges of that court; two members who have practiced law in Alaska for 10 years, appointed by the governing body of the organized bar; and two citizens who are not judges, retired judges, or members of the state bar, appointed by the Governor and subject to confirmation by a majority of the members of the legislature in joint session.

[Const., Art. IV, §10; A.S. §22.30.010]

7.2 Authority and procedure for sanction. The commission makes rules implementing the laws regarding judicial discipline, including disqualification, suspension, removal, retirement, and censure of judges, and providing for confidentiality of its proceedings. On recommendation of the commission or on its own motion, the Supreme Court may disqualify, suspend from office, retire for disability, or censure or remove a judge for action that constitutes willful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.
[A.S. §§22.30.060, 22.30.070]

Figure 1: Arizona court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Original and exclusive jurisdiction in cases between counties.
- Appellate jurisdiction in all actions in the state's court system except those arising in Justice and Police Courts.

COURT OF APPEALS (2)
12 judges
Jurisdiction:
- All actions and proceedings originating in or permitted by law to be appealed from the Superior Court.

SUPERIOR COURT (14)
80 judges
Jurisdiction:
- Original jurisdiction in civil actions over $500. Exclusive probate and domestic relations jurisdiction.
- Original jurisdiction in felony and misdemeanor matters.
- Exclusive jurisdiction in juvenile matters.

Appeals de novo.
Jury trials.

JUSTICE OF THE PEACE COURT (84)
84 judges
Jurisdiction:
- Civil actions under $2,500.
- Preliminary hearings, misdemeanors and criminal offenses with fine less than $1,000 or sentence under 6 months.

Jury trials.

CITY MAGISTRATE COURT (74)
94 magistrates
Jurisdiction:
- Misdemeanors and criminal offenses with fine less than $300 or sentence under 6 months.

Jury trials.

Death penalty and life imprisonment matters.
Court of last resort
Intermediate appellate court
Court of general jurisdiction
Courts of limited jurisdiction

↑ Indicates route of appeal.

ARIZONA

Court of Last Resort

1.1 SUPREME COURT. The court sits in the capital city of Phoenix. It is open for business every day, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

[Constitution, Article VI, Section 2; Arizona Revised Statutes (hereinafter A.R.S.) Section 12-105; Administrative Office of the Courts]

1.2 Organization. The court sits in accordance with rules adopted by it, either en banc or in divisions of not less than three justices. The court cannot declare any law unconstitutional except when sitting en banc.

[Const., Art. VI, Section 2]

1.3 Jurisdiction

a. The Supreme Court has original and exclusive jurisdiction to hear and determine causes between counties concerning disputed boundaries and surveys thereof or concerning claims of one county against another. It also has original jurisdiction in extraordinary writs to state officers and the power to issue injunctions and writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction.

b. The Supreme Court has appellate jurisdiction in all actions and proceedings, except those originating in courts not of record, unless the action involves the validity of a tax, impost, assessment, toll, statute, or municipal ordinance. Direct appeal to the Supreme Court is permitted in those cases where the judgment imposed consists of either death or life imprisonment.

[Const., Art. VI, §5; A.R.S. §12-120.21]

1.4 Justices (5)

a. The Chief Justice of the Arizona Supreme Court is elected to a 5-year term by his peers.

b. Supreme Court justices must be persons of good moral character, must be admitted to the practice of law in the state, and must have been residents of the state for a minimum of 10 years.

c. Supreme Court justices are appointed by the Governor from a list of at least three qualified candidates, submitted by the Commission on Appellate Court Appointments (reference Table 12: Characteristics of judicial nominating commissions). The normal term of office is 6 years; however, after initial appointment by the Governor, justices serve 2-year terms and are then subject to a retention vote at the first general election.

[Const., Art. VI, §§3, 4, 6, 37]

1.5 Administration

a. The Chief Justice exercises the Supreme Court's administrative supervision over all courts of the state. This is accomplished through the Administrative Director of the Courts, chief judges, presiding judges, and trial court administrators. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The position of clerk is authorized by the state constitution. The clerk is appointed by and serves at the pleasure of the Supreme Court. The clerk attends sessions of the court and is responsible for issuing the writs and processes of the court. He is also responsible for the following: maintaining books of record; entering all orders, judgments, and decrees; furnishing certified copies of court records as requested and required; and microfilming and destroying records as provided by law. The clerk may appoint deputies to assist him.

[Const, Art. VI, §§3, 7; A.R.S. §12-201 to §12-203]

1.6 Rule-making. The Supreme Court has the power to make rules relative to all procedural matters in any court. The court also has administrative supervision over all courts of the state.

[Const., Art. VI, §§3, 5]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The court is divided into two divisions, one of which sits in Phoenix and the other in Tucson. The court sits in continuous session.

[A.R.S. §§12-120, 12-120.6]

2.2 Organization. Two divisions of the Court of Appeals exist; each encompasses 7 of the state's 14 counties. The First Division has 9 judges, sitting in 3 departments (panels) of 3 judges each. The Second Division has only 3 judges and no departments. Sessions of Divisions 1 and 2 are held in Phoenix and Tucson, respectively; however, they may be held in other locations if the majority of the judges of a division or department decides that the public interest so requires. Court of Appeals decisions are rendered by panels, composed of no more than three judges of the court.

[A.R.S. §12-120]

2.3 Jurisdiction

a. The Court of Appeals has jurisdiction to issue writs of certiorari to review the lawfulness of awards of the Industrial Commission and to enter judgments affirming or setting aside the awards. It also has jurisdiction to issue injunctions and writs necessary and proper to the complete exercise of its appellate jurisdiction.

b. The Court of Appeals has jurisdiction in all actions and proceedings originating in or permitted by law to be appealed from the Superior Court, except criminal actions involving crimes for which a sentence of death or life imprisonment has actually been imposed.

[A.R.S. §12-120.21].

2.4 Judges (12)

a. The Court of Appeals has 2 chief judges; one presides over each of the 2 divisions. Each is elected for a 1-year term by the judges of his division.

b. Court of Appeals judges must be at least 30 years old and must be of good moral character. They must have been residents of the state and must have been admitted to the bar of the state for at least 5 years. They must be qualified voters of their counties and must have been residents thereof for at least 3 years.

c. Court of Appeals judges are selected in the same manner as Supreme Court Justices. Reference Section 1.4.c. The normal term of office is 6 years; however, after initial appointment by the Governor, the judges serve 2-year terms and are then subject to a retention vote at the first general election.

[A.R.S. §§12-120.01, 12-120.04]

2.5 Administration

a. The chief judges exercise administrative supervision over their respective divisions and perform other duties as prescribed by the Supreme Court. They apportion the business in such a manner as to equalize caseload in the subordinate departments. They also assign judges to the departments and may periodically rotate them.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. A clerk is authorized for each division and is appointed and serves at the pleasure of the chief judge of the division. The clerks are responsible for the following: issuing writs and processes of the court; maintaining books of record and making entries as provided for by law; furnishing certified copies of such records, as requested and required; and maintaining the court's seal.

[A.R.S. §§12-120.04, 12-120.05, 12-120.07, 12-120.09]

2.6 Rule-making. Procedures in appeals and other matters before the Court of Appeals are the same as those of the Supreme Court. Reference Section 1.6. Supreme Court Rules 47 and 48 apply specifically to the Court of Appeals.

[17A A.R.S. Supreme Court Rules 1-26, 47-48].

Court of General Jurisdiction

3.1 SUPERIOR COURT. The court sits in continuous session.

[Administrative Director of the Courts]

3.2 Organization. Each of Arizona's 14 counties has a Superior Court. Sessions are held at the county seats. If public interest so requires and facilities are available, the Superior Court judges may hold court in other locations. Each county has at least one Superior Court judge. Additional judges may be authorized by law, but not to exceed one judge for each 30,000 inhabitants or majority fraction thereof. Additional judgeships are obtained by the county's Board of Supervisors presenting a petition to the Governor. In counties having more than one Superior Court judge, a specialized Juvenile Court is established. Superior Court judges in those counties designate annually one or more of their number to preside over the Juvenile Court. Local rules may in some cases establish specialized probate or other divisions, or cases may be assigned to particular judges based on the nature of the cases.

[Const., Art. VI, §10; A.R.S. §§8-202, 12-121, 12-130]

3.3 Jurisdiction

a. The Superior Court has original jurisdiction in the following:

(1) Criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for by law, to include concurrent jurisdiction with justices of the peace in misdemeanors where the penalty does not exceed $1,000 or 6 months of imprisonment.

(2) Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.

(3) Cases of equity and at law that involve the title to or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal ordinance.

(4) Other cases in which the demand or value of property in controversy amounts to $1,000 or more.

(5) Actions of forcible entry and detainer.

(6) Proceedings in insolvency.

(7) Actions to prevent or abate nuisance.

(8) Matters of probate, divorce, annulment, and naturalization.

(9) Exclusive jurisdiction in all matters affecting dependent, neglected, incorrigible, or delinquent children under the age of 18.

b. The Superior Court has appellate jurisdiction over matters arising in Justice or City Magistrates Courts.

[Const., Art. VI, §§14, 16; A.R.S. §12-123]

3.4 Judges (80)

a. There is no provision for a chief judge over all the counties. Presiding judges, appointed by the Supreme Court, serve the individual courts for the remainder of their terms of 4 years. If more than one judge hears cases in the Juvenile Court, a presiding judge is designated by the Superior Court judges of the county.

b. Superior Court judges must be at least 30 years old, must be of good moral character, must have been admitted to the practice of law in the state, and must have been residents of the state for 5 years.

c. In each county with a population of 150,000 or more (Maricopa and Pima), a nonpartisan Commission on Trial Court Appointments (reference Table 12: Characteristics of judicial nominating commissions) is established. When a vacancy occurs or a new judgeship is created, the Governor appoints a judge from a list of no less than 3 candidates submitted by the Commission. In counties with a population of less than 150,000, judges are elected by the voters at the general election. Counties with less than 150,000 can change from the popular election of judge to the commission and appointment system at any time by a majority of the county's popular vote. The regular term of a Superior Court judge is 4 years. Those judges appointed by the Governor serve initial terms of 2 years and are then subject to a retention vote at the first general election thereafter. If retained by the voters, they then serve full 4-year terms.

[Const., Art. VI, §§11, 12, 22, 36, 37, 40; A.R.S. §8-202; Administrative Director of the Courts]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the counties, the presiding judges of the individual courts exercise general administrative supervision over the courts, judges, and nonjudicial personnel. They make regular and

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special assignments of all judges in accordance with the statutes and/or as directed by the Chief Justice. They prescribe the powers and duties of the clerks in addition to those prescribed by law and the Supreme Court. They promulgate such local rules as a majority of the judges approve or as the Supreme Court may direct.

b. There is no provision for an administrator over all the counties. Individual Superior Court administrators are authorized by court rule. At present, only two counties (Maricopa and Pima) have court administrators. The administrators, under the direction of the presiding judges, perform the following duties:

(1) Compile and maintain records and statistics of pending cases and other court business.

(2) Assign all motions, pretrials, trials, and other matters for disposition, and maintain and publish all arraignments and calendars.

(3) Advise the parties of the status of the various calendars.

(4) Coordinate with the court clerks to accomplish the prompt and orderly disposition of court business.

(5) Act as a court commissioner, if designated by the presiding judge.

(6) Prepare the court budget.

(7) Make suitable courtroom and personnel arrangements for visiting judges.

(8) Supervise the office of the court administrator and its personnel.

c. The Superior Court clerk is a constitutional position. The clerks are elected by the voters of their respective counties at the general election and hold office for 4 years. The clerks maintain their offices at the county seats and are responsible for taking charge of and safely keeping and disposing of all books, papers, and records that are filed and deposited in their offices. They also attend each session of the court and are responsible for keeping a list of fees charged in each action. The clerks may appoint chief deputies to assist them. Superior Court clerks serve only the courts and do not perform the usual county clerk functions. Those functions are performed by the county recorders.

[Const., Art. VI, §23; A.R.S. §§11-419, 11-552, 11-553; 17A A.R.S. Uniform Rules of Practice of the Superior Court of Arizona, Rules 1, 2; Arizona Court Roster.]

3.6 Rule-making. The Superior Court of each county may make or amend its own Rules of Criminal Procedure; however, Supreme Court approval is required prior to promulgation. The Superior Court may also make or amend its own rules of civil procedure, provided they are consistent with the statewide Rules of Civil Procedure.

[17 A.R.S. Rules of Criminal Procedure, Rule 36; 16 A.R.S. Rules of Civil Procedure, Rule 83]

Courts of Limited or Special Jurisdiction

4.1.1 JUSTICE OF THE PEACE COURT. The Justice of the Peace Court sits in continuous session.

[Administrative Director of the Courts]

4.2.1 Organization. The Board of Supervisors in each county divides the county into justice precincts. Only one justice sits in each precinct, and there are no specialized divisions of the court.

[A.R.S. §22-101]

4.3.1 Jurisdiction

a. The Justice of the Peace Court has jurisdiction in the following criminal matters:

(1) Preliminary hearings in felony cases.

(2) Misdemeanors and criminal offenses punishable by a fine not exceeding $1,000 or imprisonment not exceeding 6 months or both.

(3) Assault and battery, unless committed upon a public officer in the discharge of his duties or if the act's intent constitutes a felony under the law.

(4) Petty theft.

(5) Breaches of the peace, routs, affrays, and willful injuries to property.

Justices of the peace have original jurisdiction in civil cases involving amounts under $2,500 and concurrent jurisdiction with the Superior Court in cases involving amounts between $500 and $2,499. Justices have jurisdiction concurrent with the Superior Court in cases of forcible entry and detainer when the rental value of the property involved does not exceed $500 per month and where damages are less than $1,000. Justices have jurisdiction to try the right to possession of real property when the title thereto or the ownership thereof is not a subject of inquiry in the action. If title or ownership becomes an issue, the case is transferred to the Superior Court. The issue is not allowed to be raised in actions between landlord and tenant for possession of leased premises.

b. The Justice of the Peace Court has no appellate jurisdiction.

[A.R.S. §§22-201, 22-301; Administrative Director of the Courts]

4.4.1 Judges (84)

a. Only the Justice of the Peace Court of Tucson has a presiding judge, who is appointed for the remainder of his 4-year term by the presiding judge of the Superior Court of Pima County.

b. Qualifications for county office also apply to justices of the peace. They require a person to be 18 years of age or over, a resident of the state, a voter of the county or precinct, and able to read and write the English language.

c. Justices of the peace are elected by the voters of the precincts and serve 4-year terms.

[A.R.S. §§11-402, 22-102, 22-111; Administrative Director of the Courts]

4.5.1 Administration

a. The position of presiding judge exists only in Tucson where four precincts have been consolidated and a presiding judge has been selected. The presiding judge of the four precincts exercises general administrative supervision and coordination over the court, judges, and nonjudicial personnel. The presiding judge also provides liaison between the Justice of the Peace Court of Tucson and the presiding judge of the Superior Court of Pima County.

b. Only the consolidated four precincts of Tucson have a court administrator. The Superior Court administrator for Pima County serves as the court administrator for the Justice of the Peace Court of Tucson. Reference Section 3.5.b.

c. There are no statutory provisions for the position of clerk of the Justice of the Peace Court. Some justices hire a clerk and some serve as their own clerk. A constable is elected in each precinct, with the duties of assisting the justice of the peace by serving warrants and summonses, and collecting bail.

[National Survey of Court Organization, p. 95; Administrative Director of the Courts]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 CITY MAGISTRATE COURT. (sometimes referred to as Police or Municipal Court) The City Magistrate Court sits in continuous session.

[Administrative Director of the Courts]

4.2.2 Organization. A City Magistrate Court is established in cities and towns incorporated under the general laws of the state. There are no specialized divisions of the court.

[A.R.S. §22-402; Administrative Director of the Courts]

4.3.2 Jurisdiction

a. The City Magistrate Court has jurisdiction over all cases arising under municipal ordinances and also concurrent jurisdiction with justices of the peace over state law violations committed within the city limits.

b. The City Magistrate Court has no appellate jurisdiction.

[A.R.S. §22-402]

4.4.2 Judges (94)

a. Establishment of the position of presiding judge is at local discretion.

b. City Magistrate Court judges must be qualified voters of their cities. The establishment of additional requirements is at local discretion.

c. City Magistrate Court judges are selected and serve such terms as provided by the charter or ordinance of their cities or towns.

[Const., Art. VII, §15; A.R.S. §22-403; Administrative Director of the Courts]

4.5.2 Administration

a. There are no formal provisions for presiding judges for the City Magistrate Court. Establishment of the position is at local discretion.

b. There are no formal provisions for court administrators for the City Magistrate Court. Establishment of the position is at local discretion. Reference Section 5.2.b (state-level administrator).

c. There are no formal provisions for clerks for the City Magistrate Courts. Establishment of the position is at local discretion.

[Administrative Director of the Courts]

4.6.2 Rule-making. The rules of criminal procedure for Superior Courts, including the provisions regarding bail, issuance of subpoenas, and punishment for disobedience thereof apply to City Magistrate Courts so far as applicable and when not otherwise prescribed.

[A.R.S. §22-423].

State-Level Administration

5.1 General administrative authority. The Supreme Court has administrative supervision over all the courts of the state. The Chief Justice, or in his absence or incapacity, the vice chief justice, exercises the court's administrative supervision over all the courts of the state. The Supreme Court appoints an Administrative Director and staff to serve at its pleasure to assist the Chief Justice in discharging his administrative duties. The Chief Justice is empowered to assign judges of any court to serve in other courts or counties. The Supreme Court appoints the presiding judges of the Superior Courts. The Chief Justice, upon the request of the presiding judge of a Superior Court, may appoint a Superior Court judge pro tem. The appointment is for 6 months and can be renewed. The Chief Justice may also appoint justices of the peace pro tem. These pro tem appointments are subject to the approval of the county Board of Supervisors. Reference Section 1.5.a (Administration).

[Const., Art. VI, §§3, 7, 11, 31; A.R.S. §12-141 to 12-144, 22-121 to 22-124]

5.2 Administrative Office of the Courts

a. The Administrative Office of the Courts is authorized by the Constitution.

b. Administrative Director of the Courts

(1) The position of Administrative Director of the Courts is authorized by the constitution. The Administrative Director and staff serve at the pleasure of the Supreme Court and assist the Chief Justice in discharging his administrative duties.

(2) There are no formal qualifications for the Administrative Director of the Courts. This position is filled by Supreme Court appointment.

(3) The primary responsibilities of the Administrative Director of the Courts are as follows:

(a) Preparing and presenting state-level budgets.

(b) Administering the state-share payroll for Superior Court judges and judges pro tempore; and administering payment of expenses of the statewide grand jury.

(c) Planning and holding the two annual judicial conferences, one for appellate and Superior Court judges and one for justices of the peace and city magistrates and administering a continuing judicial education program with emphasis on judges of the courts of limited jurisdiction.

(d) Receiving and checking monthly case statistical reports from the Superior Court and the Court of Appeals and preparing year-end statistical compilations and the annual judicial report.

(e) Providing administrative assistance to other courts.

(f) Preparing administrative orders.

(g) Serving as secretary to the Commission on Judicial Qualifications (reference Section 7.1); maintaining commission files; and administering payment of commission expenses.

(h) Administering Foster Care Review Board System.

(i) Administering State Aid for Probation Services program.

(j) Performing planning functions for the state court system.

c. Office organization. The Administrative Office of the Courts consists of 24 people: 14 professionals (including the Administrative Director of the Courts) and 10 clerical personnel. Duties are spread among staff members as time, experience, and expertise in the subject at hand allow.

[Const., Art. VI, §7; State Court Administrative Officers, p. 26; Administrative Director of the Courts]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT

6.2.1 Court Commissioner

a. Court commissioners are appointed by the judges of the Superior Court and serve at their pleasure. They are required to be United States citizens and residents of the county they serve.

b. Court commissioners may hear and determine ex parte motions (except for injunctions) when the

No information is available on the structure of the Arizona Administrative Office of the Courts at this time.

appointing judge is absent or disabled, take proof and report conclusions on any matter of fact not placed into issue by the pleadings, take and approve bonds, administer oaths and take affidavits, and acknowledge deeds or other official records. Superior court commissioners with greater authority are also provided pursuant to Article VI, §24 of the Constitution of Arizona and A.R.S. §12-213. Their functions are also regulated by Supreme Court Rule No. 46. Generally, these commissioners can hear default matters, initial appearances in criminal cases and certain show cause matters.

[Const., Art. VI, §24; A.R.S. §§12-211, 12-212, 12-213]

6.1.2 SUPERIOR COURT

6.2.2 Referee

a. Referees are appointed by the Superior Court judge who has been assigned to juvenile cases and serve at his pleasure. The requirements for the position are also within the descretion of the appointing judge except that no contested hearing may be heard by a referee unless he has a law degree.

b. The appointing judge can direct that any proceeding in a juvenile case be brought before a referee first. The referee then reports his conclusions to the judge.

[A.R.S. §8-231]

6.1.3 SUPERIOR COURT

6.2.3 Traffic hearing officer

a. Traffic hearing officers are appointed by the Superior Court judge who has been assigned to juvenile cases, and they serve at his pleasure. The statutes only require that appointees be "of suitable experience [and] who may be magistrates, justices of the peace or probation officers".

b. Traffic hearing officers are impowered to hear any case wherein a child under 18 is charged with a nonfelonious motor vehicle violation.

[A.R.S. §8-232]

Judicial Discipline

7.1 The Commission on Judicial Qualifications. The commission is composed of 9 persons: the Supreme Court appoints two judges of the Court of Appeals, two judges of the Superior Court, and one justice of the peace; the governing body of the state bar appoints two members of the bar; and the Governor, subject to Senate confirmation, appoints two citizens who may not be active/retired judges nor members of the bar.

[Const., Art. VI.I, §1]

7.2 Authority and procedure for sanction. Procedures of removal and discipline are contained in the state constitution. The commission may institute an inquiry on its own motion or upon receipt of a verified statement. If the evidence warrants, the commission begins formal proceedings. The judge is notified in writing of the specific charges and is given 15 days to reply. He is also informed of his right to counsel. The final hearing can be held before either the commission or a special master. (A special master may be appointed by the commission to conduct the formal evidentiary hearing to hear the evidence and prepare recommended findings of fact for the Commission on Judicial Qualifications.) The judge must be given 20 days notice of the time and place of the hearing. At the hearing, evidence is received as would be admissible in a state Superior Court. Oral evidence is taken on oath and the chairman may subpoena witnesses and documents. At the end of the hearing, the commission or special master makes findings of fact and prepares a report, a copy of which is forwarded to the judge. He has 15 days to file an objection. If an objection is filed, the judge will be given an opportunity to be heard orally. At that time, the commission or special master either dismisses the charges or recommends to the Supreme Court the censure, suspension, removal, or retirement of the judge. Within 30 days of the report's filing, the judge may petition the Supreme Court for an opportunity to orally argue his case. After being given that opportunity, if requested, the Supreme Court makes its final decision. All matters pertaining to the preliminary investigation and all papers filed with and all proceedings before the commission or special master are confidential unless the judge requests that the information be released.

[Const., Art. VI.I; Rules of Procedure for the Commission on Judicial Qualifications; Administrative Director of the Courts]

ARKANSAS

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court of Arkansas sits at Little Rock, the state capital. The court's annual term begins on the first Monday of October.

[Constitution, Article 7, Sections 4, 8; Arkansas Statutes 1947, Annotated (hereinafter A.S.A.) Section 22-205]

1.2 Organization. The court sits in divisions pursuant to constitutional authority. Each of the two divisions has three associate justices. The Chief Justice sits in both divisions. If any justice in a division dissents, the case goes to the court en banc. Statutes require that all cases involving the construction of the constitution and capital offenses must be heard by the court en banc.

[A.S.A. §22-206; Twelfth Annual Report, Judicial Department of Arkansas, 1976 Judicial Statistics (hereinafter 1976 Annual Report), p. 1]

1.3 Jurisdiction

a. The Supreme Court has general superintending control over all trial courts of law and equity. In aid of its appellate and supervisory jurisdiction, it has the power to issue writs of error and supersedeas, certiorari, habeas corpus, prohibition, mandamus, quo warranto, and other remedial writs. In the exercise of its original jurisdiction, it has the power to issue writs of quo warranto to the Circuit Court judges and chancellors, and to offices of political corporations (incorporated cities and towns) when the question involved is the legal existence of such corporations.

b. The Supreme Court has appellate jurisdiction coextensive with the state under such restrictions as prescribed by law. The court hears appeals from the Court of Appeals, the Circuit Court and the Chancery Court. Appeals are accepted at the discretion of the court.

[Const., Art. 7, §§4, 5; A.S.A. §27-2101; Rules of Criminal Procedure 36.1; Outline of Basic Appellate Court Structure in the United States (1975), p. 18]

1.4 Justices (7)

a. The Chief Justice is elected to an 8-year term by the voters of the state in partisan elections.

b. Supreme Court justices must be at least 30 years old, must be of good moral character, must be citizens of the United States, must have been residents of the state for at least 2 years, and must have been practicing attorneys for at least 8 years.

c. Supreme Court justices are elected to 8-year terms by the voters of the state in partisan elections. Vacancies are filled by the Governor. All appointees, however, are ineligible for election to the office.

[Const., Art. 7, §6; Const., Art. 7, §6, Amendment No. 9; Const., Amend. No. 29]

1.5 Administration

a. The Chief Justice of the Supreme Court is the administrative director of the Judicial Department of the state. He exercises administration and supervision over the entire court system through the Executive Secretary, the chief judge of the Court of Appeals and the county judges. Reference Section 5.1 (General administrative authority). He has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk, occupying a constitutionally authorized position, serves a 6-year term subject to removal for good cause. The clerk is responsible for recording judgments, decrees, rules, orders and proceedings, together with the opinions of the court, and making complete alphabetical indexes to all books of record.

[Const., Art. 7, §7; A.S.A. 23-206]

1.6 Rule-making. The constitution does not specifically address rule-making powers, other than to grant the Supreme Court the power to make rules regulating the practice of law and the professional conduct of attorneys. Statutory provisions grant the Supreme Court the power to prescribe rules of criminal and civil procedure for all courts of the state. The court also fixes the date when such rules become effective. All laws in conflict with such rules have no further force. The court may prescribe rules for its own administration, and it has general superintending control over all courts. Statutes empower the Chief Justice to issue orders and regulations as may be necessary for the efficient operation of all courts in the state.

[Const., Art. 7, §4; Const., Amend. No. 28; A.S.A. §§22-142, 22-208, 22-212, 22-213, 22-242 to 22-249]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The court is located in the city of Little Rock, but the court en banc or any panel thereof may sit in any county seat for the purposes of hearing argument in cases before it. The Court of Appeals sits in continuous session.

[A.S.A. §22-1203; Office of the Executive Secretary of the Judicial Department]

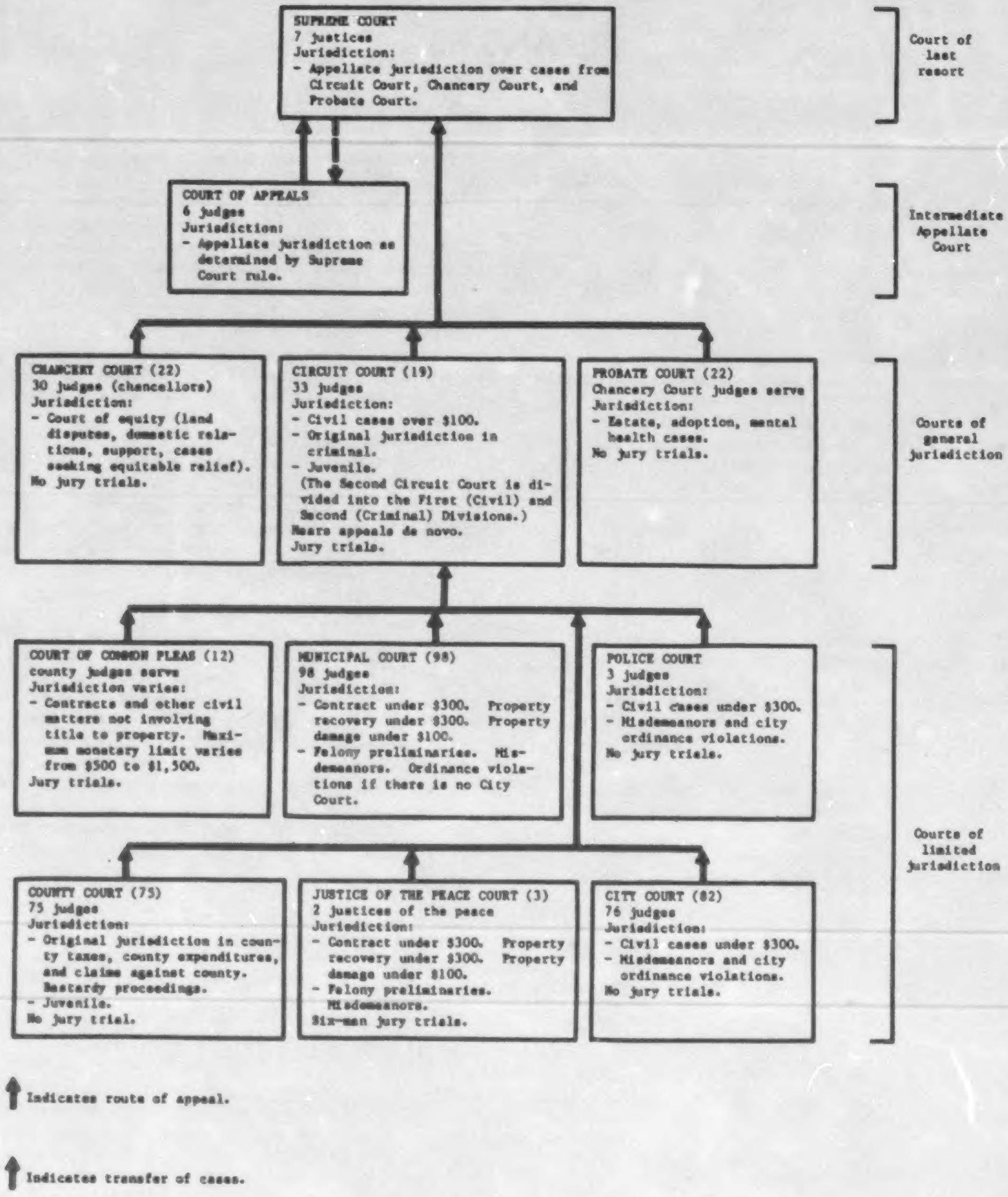
2.2 Organization. The Court of Appeals is a single court of statewide jurisdiction. The court is authorized to sit in panels of three justices each.

[A.S.A. §22-1203]

2.3 Jurisdiction

a. The Court of Appeals has the authority to issue any writs, directives, orders, and mandates that are appropriate, and only those that are

Figure 1: Arkansas court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Appellate jurisdiction over cases from Circuit Court, Chancery Court, and Probate Court.
Court of last resort
COURT OF APPEALS
6 judges
Jurisdiction:
- Appellate jurisdiction as determined by Supreme Court rule.
Intermediate Appellate Court
CHANCERY COURT (22)
30 judges (chancellors)
Jurisdiction:
- Court of equity (land disputes, domestic relations, support, cases seeking equitable relief).
No jury trials.
CIRCUIT COURT (19)
33 judges
Jurisdiction:
- Civil cases over $100.
- Original jurisdiction in criminal.
- Juvenile.
(The Second Circuit Court is divided into the First (Civil) and Second (Criminal) Divisions.)
Hears appeals de novo.
Jury trials.
PROBATE COURT (22)
Chancery Court judges serve
Jurisdiction:
- Estate, adoption, mental health cases.
No jury trials.
Courts of general jurisdiction
COURT OF COMMON PLEAS (12)
county judges serve
Jurisdiction varies:
- Contracts and other civil matters not involving title to property. Maximum monetary limit varies from $500 to $1,500.
Jury trials.
MUNICIPAL COURT (98)
98 judges
Jurisdiction:
- Contract under $300. Property recovery under $300. Property damage under $100.
- Felony preliminaries. Misdemeanors. Ordinance violations if there is no City Court.
POLICE COURT
3 judges
Jurisdiction:
- Civil cases under $300.
- Misdemeanors and city ordinance violations.
No jury trials.
Courts of limited jurisdiction
COUNTY COURT (75)
75 judges
Jurisdiction:
- Original jurisdiction in county taxes, county expenditures, and claims against county. Bastardy proceedings.
- Juvenile.
No jury trial.
JUSTICE OF THE PEACE COURT (3)
2 justices of the peace
Jurisdiction:
- Contract under $300. Property recovery under $300. Property damage under $100.
- Felony preliminaries. Misdemeanors.
Six-man jury trials.
CITY COURT (82)
76 judges
Jurisdiction:
- Civil cases under $300.
- Misdemeanors and city ordinance violations.
No jury trials.
Indicates route of appeal.
Indicates transfer of cases.

appropriate, for the determination of cases within its jurisdiction.

b. The Court of Appeals has such appellate jurisdiction as the Supreme Court determines by rule and is subject to the general superintending control of the Supreme Court.

[Const., Amend. No. 58, §1; A.S.A. §22-1204]

2.4 Judges (6)

a. The Chief Justice designates one of the judges of the Court of Appeals as chief judge. The chief judge is appointed to a 4-year term and may be reappointed, subject to the discretion of the Chief Justice.

b. Court of Appeals judges must meet the same qualifications as justices of the Supreme Court. Reference Section 1.4.b. Each elected judge must be a resident of the district from which elected.

c. Court of Appeals judges are elected to 8-year terms in general elections by the voters of the state.

[Const., Amend. No. 58, §1; A.S.A. §22-1202, 22-1205]

2.5 Administration

a. There are no provisions for assigning administrative duties to the chief judge.

b. There are no provisions for an administrator for the Court of Appeals. Reference Section 5.2.b. (state-level administrator).

c. The Supreme Court clerk appoints two deputies to handle the clerk's duties for the Court of Appeals. Reference Section 1.5.c.

[A.S.A. §22-1208(b)]

2.6 Rule-making. The Supreme Court adopts rules for procedures to be followed in the Court of Appeals.

[Court Rules--Supreme Court of Arkansas]

Court of General Jurisdiction

3.1.1 CIRCUIT COURT. The court sits in continuous session, and term beginning dates are specified in the statutes.

[A.S.A. §§22-310, 22-311]

3.2.1 Organization. Court is held in each county, normally at the county seat. The state is divided into 22 judicial circuits, each of which contains from 1 to 7 counties. The court in the second circuit has been divided by statute into Criminal and Civil Divisions.

[A.S.A. §§22-310, 22-311, 22-322 to 22-333]

3.3.1 Jurisdiction

a. The Circuit Court has original jurisdiction in all criminal and civil matters, unless exclusive jurisdiction has been granted to another court.

b. The Circuit Court has appellate jurisdiction over all courts of limited jurisdiction.

[Const., Art. 7, §§11, 14]

3.4.1 Judges (33)

a. The Circuit Court does not have a chief judge over all the circuits or presiding judges for the individual circuits.

b. Circuit Court judges must be United States citizens, must be at least 28 years old, must have been residents of the state for at least 2 years, must be of good moral character, and must have been practicing attorneys for at least 6 years.

c. Circuit Court judges are elected to 4-year terms by the voters of their respective circuits in partisan elections.

[Const., Art. 7, §§16, 17; A.S.A. §22-411]

3.5.1 Administration

a. There are no provisions for a chief judge over all the Circuit Courts or for presiding judges for the individual circuits.

b. There are no provisions for an administrator over all the Circuit Courts or for administrators for the individual circuits. Reference Section 5.2.b (state-level administrator).

c. Clerks are elected by the voters of their respective circuits to 2-year terms. In addition to their trial court functions, the Circuit Court clerks are also the ex officio recorders of the counties. They record and index all documents affecting the title to real estate and maintain files and records on all security transactions under the Uniform Commercial Code, except those transactions filed solely in the Secretary of State's office.

[Const., Art. 7, §19; A.S.A. §17-3601; 1976 Annual Report, p. 37]

3.6.1 Rule-making. The Circuit Court and Chancery Court may adopt procedural rules, providing they are not in conflict with Supreme Court rules. Local rules do not become effective until a copy has been filed with the clerk of the Supreme Court. Circuit Courts have the power to make all rules necessary for the dispatch of business.

[A.S.A. §22-309; Uniform Rules for Circuit and Chancery Courts No. 12]

3.1.2 CHANCERY COURT. The court sits in continuous session and no terms are specified.

[A.S.A. §§22-403, 22-406, 22-406.1]

3.2.2 Organization. Chancery Courts sit in the same buildings in each county as the Circuit Court. The state is divided into 22 chancery circuits. Multi-judge Chancery Courts are divided into divisions; these divisions are used to identify positions for election purposes, and to assign cases to judges.

[A.S.A. §§22-403, 22-406.1, 22-412 to 22-431, 27-117; Executive Secretary]

3.3.2 Jurisdiction

a. The Chancery Court has jurisdiction in cases involving domestic relations matters, land disputes, reciprocal support actions, and other cases where equitable relief is sought.

b. The Chancery Court has no appellate jurisdiction.

[Const., Amend. No. 24; A.S.A. §22-404; 1976 Annual Report, p. iii]

3.4.2 Judges (30 chancellors)

a. The Chancery Court does not have a chief judge over all the circuits or presiding judges for the individual chancery circuits.

b. Chancellors must meet the same qualifications as Circuit Court judges. Reference Section 3.4.1.b.

c. Chancellors also serve as Probate Court judges. Reference Section 3.2.3. Chancellors are elected to 6-year terms by the voters of their respective circuits in partisan elections.

[A.S.A. §22-409]

3.5.2 Administration

a. There are no provisions for a chief judge over all the Chancery Courts or for presiding judges for the individual chancery circuits.

b. There are no provisions for an administrator over all the Chancery Courts or for administrators for the individual chancery circuits. Reference Section 5.2.b (state-level administrator).

c. Chancery Courts are served by the Circuit Court clerks. Reference Section 3.5.1.c.

[A.S.A. §22-441]

3.6.2 Rule-making. Reference Section 3.6.1. Chancellors have the power to prescribe administrative rules.

[A.S.A. §22-518]

3.1.3 PROBATE COURT. The court sits in continuous session and no terms are specified.

[A.S.A. §22-406.1]

3.2.3 Organization. The Probate Court is linked to the Chancery Court since Chancery Court judges (chancellors) also serve as Probate Court judges. The state is divided into 22 chancery circuits. Probate Court sits in the same building in each county as the Circuit Court and Chancery Court.

[Const. Art. 7, §34; Const. Amend. 24, §1; A.S.A. §22-412 to §22-431]

3.3.3 Jurisdiction

a. The judges (chancellors) of Chancery Court also serve as the judges of Probate Court and as such, hear cases involving wills, guardianship, adoption, mental commitments, and similar probate matters.

b. The Probate Court has no appellate jurisdiction.

[Const. Art. 7, §34; Const. Amend. 24, §1]

3.4.3 Judges (30 chancellors serve)

a. The Probate Court does not have a chief judge over all the circuits or presiding judges for the individual circuits.

b. Reference Section 3.4.2.b.

c. Reference Section 3.4.2.c.

3.5.3 Administration

a. There are no provisions for a chief judge over all the Probate Courts or for presiding judges over all the individual circuits.

b. There are no provisions for an administrator over all the Probate courts or for administrators for the individual circuits. Reference Section 5.2.b (state-level administrator).

c. Probate Courts are served by Circuit Court clerks. Reference Section 3.5.1.c.

[Const. Art. 7, §19]

3.6.3 Rule-Making. Reference Section 3.6.1. Chancellors have the power to prescribe administrative rules.

[A.S.A. §22-518]

Courts of Limited or Special Jurisdiction

4.1.1 MUNICIPAL COURT. The Municipal Court has no specified term of court.

4.2.1 Organization. Any city with a population of more than 2,400 can establish a Municipal Court by ordinance. Municipal Courts exercise countywide jurisdiction, except in cases of ordinance violations. If a county has more than one Municipal Court, the specific geographical jurisdiction of each is specified. The Municipal Courts of Little Rock and North Little Rock each have two divisions, Traffic and Civil/Criminal.

[A.S.A. §§22-701, 22-704, 22-710]

4.3.1 Jurisdiction

a. The Municipal Court has exclusive jurisdiction over ordinance violations where there is no City Court, and concurrent jurisdiction with the Justice of the Peace Court and Circuit Court over misdemeanors. The court's misdemeanor jurisdiction is exclusive of the Justice of the Peace Courts within the city limits. The Municipal Court also has civil jurisdiction in matters of contract up to $300 and actions for recovery of personal property and/or damage thereto up to $300. Depending on the amount involved in a civil claim, the court's jurisdiction may be exclusive of or concurrent with the Circuit Court and the Justice of the Peace Court. The Municipal Court also conducts preliminary hearings.

b. The Municipal Court has no appellate jurisdiction.

[A.S.A. §22-709; Office of the Executive Secretary of the Judicial Department]

4.4.1 Judges (98)

a. The Municipal Courts do not have presiding judges.

b. Municipal Court judges must be at least 25 years old, must be of good moral character, must have been residents of the state for at least 2 years, and must have been practicing attorneys for at least 6 years.

c. Municipal Court judges are elected to 4-year terms by the voters in partisan elections.

[A.S.A. §22-703, 22-704]

4.5.1 Administration

a. There are no provisions for presiding judges for the Municipal Courts.

b. There are no provisions for administrators for the Municipal Courts. Reference Section 5.2.b (state-level administrator).

c. Clerks are appointed by the judges. There are no provisions for assigning administrative duties to the clerks. They are responsible for recording judgments, rules, orders, and other proceedings, preparing alphabetical indexes thereto, and perfecting accounts of arrearages.

[A.S.A. §§22-315, 22-713]

4.6.1 Rule-making. Municipal Court judges have no procedural or administrative rule-making authority, except for determining the qualifications of bail bondsmen. Reference Section 1.6.

4.1.2 COUNTY COURT. Terms of the court begin on the first Monday of January, April, July, and October of each year.

[A.S.A. §22-603]

4.2.2 Organization. There is one County Court with one judge in each of the state's 75 counties. There are no specialized divisions of the court.

[Const., Art. 7, §28]

4.3.2 Jurisdiction

a. The County Court has exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and "in every other case that may be necessary to the internal improvement and local concerns" of the county. In the absence of the Circuit Court judge, the County Court judge may issue injunctions, provisional writs, and writs of habeas corpus.

b. The County Court has no appellate jurisdiction.

[Const., Art. 7, §28; A.S.A. §§17-3903, 17-3905]

4.4.2 Judges (75)

a. Each of the state's 75 counties has one County Court and one judge; therefore, the County Courts do not have presiding judges.

b. County Court judges must be United States citizens, must be at least 25 years old, must be persons of upright character possessing a good business education, must have been residents of the state for 2 years, and must be residents of their counties at the time of election and during their terms of office.

c. County Court judges are elected to 2-year terms by the voters in partisan elections.

[Const., Art. 7, §29]

4.5.2 Administration

a. There are no provisions for presiding judges for the County Courts. Each county judge is the chief administrative officer for the county. Most of his power and duties, as specified in the constitution and statutes, are administrative in nature.

b. There are no provisions for administrators for the County Courts. Reference 5.2.b (state-level administrator).

c. Clerks are elected to 2-year terms by the voters in general elections. In addition to serving the County Court, the clerk also serves as clerk of the Probate Division of the Chancery Court. The County Court clerk prepares the county property tax books, collects delinquent taxes, maintains voter registration records, and issues and records marriage licenses.

[Const., Art. 7, §§19, 30; A.S.A. §17-3601; 1976 Annual Report, p. 37]

4.6.2 Rule-making. Procedural rule-making authority is not addressed in the statutes and rules. The court does possess certain administrative rule-making authority. Reference Section 1.6.

[Const., Art. 7, §§28, 30; A.S.A. §§22-601, 22-603.4]

4.1.3 COURT OF COMMON PLEAS. Terms of court are specified in the special acts creating each court.

[Compiler's Note following A.S.A. §22-615]

4.2.3 Organization. Courts of Common Pleas have been established in the following counties: Ashley, Chicot, Crittenden, Cross, Desha, Drew, Garland, Lee, Lonoke, Madison, Mississippi, Nevada, and Prairie. There are no specialized divisions of the court.

[Compiler's Note following A.S.A. §22-615]

4.3.3 Jurisdiction

a. The Court of Common Pleas has general jurisdiction in matters of contract and other civil matters not involving title to real estate. The specific civil jurisdiction of each court is contained in the legislation that established the court. (Summary information on each special act is contained in the note following §22-615 of the statutes.) In general, the monetary limits of jurisdiction of these courts range from $500 to $1,500.

b. The Court of Common Pleas has no appellate jurisdiction.

[Const., Art. 7, §32]

4.4.3 Judges (County Court judges serve in the Court of Common Pleas.)

a. Courts of Common Pleas do not have presiding judges.

b. Reference Section 4.4.2.b.

c. Reference Section 4.4.2.c.

[Const., Art. 7, §§28, 32]

4.5.3 Administration

a. There are no provisions for presiding judges for the Courts of Common Pleas.

b. There are no provisions for administrators for the Courts of Common Pleas. Reference Section 5.2.b (state-level administrator).

c. These courts are served by either the Circuit or County Court clerks. The special act establishing the court designates which clerk serves the court.

[Compiler's Note following A.S.A. §22-615]

4.6.3 Rule-making. Normally, procedures in Courts of Common Pleas are the same as in Circuit Courts. Reference Section 3.6.1. Certain additional procedures, however, are contained in the special acts. The administrative rule-making authority of the county judge also applies to the Court of Common Pleas.

[Compiler's Note following A.S.A. §22-615]

4.1.4 JUSTICE OF THE PEACE COURT. The Justice of the Peace Court meets whenever there are cases to be heard.

[Office of the Executive Secretary of the Judicial Department]

4.2.4 Organization. There are no specialized divisions of the court. At present, there are only three Justice of the Peace Courts operating due to the increasing numbers of Municipal Courts.

[Executive Secretary]

4.3.4 Jurisdiction

a. The Justice of the Peace Court conducts preliminary examinations in felony cases and has criminal jurisdiction over misdemeanors. The court has exclusive civil jurisdiction in all matters of contracts not exceeding $100, and concurrent jurisdiction with the Circuit Court in those not exceeding $300; concurrent jurisdiction in suits for recovery of personal property not exceeding $300; and concurrent jurisdiction in all matters relating to personal property damages not exceeding $100. This civil jurisdiction does not extend to matters involving a lien on land or title to or possession of land.

b. The Justice of the Peace Court has no appellate jurisdiction.

[Const., Art. 7, §40; A.S.A. §43-1405]

4.4.4 Judges (2)

a. The Justice of the Peace Courts do not have presiding judges.

b. Justices of the Peace must be qualified voters and residents of the district.

c. Justices of the Peace are elected to 2-year terms by the voters of the townships in partisan elections.

[Const., Art. 7, §§38, 41; A.S.A. §26-122]

4.5.4 Administration

a. There are no provisions for presiding judges for the Justice of the Peace Courts.

b. There are no provisions for administrators for the Justice of the Peace Courts. Reference Section 5.2.b (state-level administrator).

c. The clerk's function may be performed in some courts by the justices themselves or by the constables, who are elected to 2-year terms by the voters of the counties. He supervises the deputies in his office.

[A.S.A. §§17-3601, 17-3602; Executive Secretary]

4.6.4 Rule-making. Reference Section 1.6. There are no provisions in the statutes or rules relating to the rule-making powers of the justices.

4.1.5 POLICE COURT. The Police Court is always open.

[A.S.A. §22-802]

4.2.5 Organization. Police Courts may be established in cities of the second class (500 to 2,500 population) at the discretion of the governing body of the city. Some cities of the first class (over

2,500 population) are permitted to establish a Police Court if they are financially unable to support a Municipal Court. There is presently only one Police Court in the state.

[A.S.A. §22-808, 22-811; Executive Secretary of the Arkansas Judicial Department]

4.3.5 Jurisdiction

a. The Police Court has the same jurisdiction as the Justice of the Peace Court. Reference Section 4.3.4. It also has jurisdiction in ordinance violations.

b. The Police Court has no appellate jurisdiction.

[A.S.A. §§22-801, 22-809]

4.4.5 Judges (3)

a. The Police Court does not have a presiding judge.

b. The Police Court judge must be a qualified voter and a city resident.

c. The Police Court judge is elected to a 2-year term by the voters of the city.

[A.S.A. §22-810, 19-703]

4.5.5 Administration

a. There is no provision for a presiding judge for the Police Court.

b. There is no provision for an administrator for the Police Court. Reference Section 5.2.b (state-level administrator).

c. The Police Court judge serves as his own clerk.

[A.S.A. §22-803]

4.6.5 Rule-making. Police Court judges may promulgate rules of practice and procedure. Such rules must be posted in the courtroom.

[A.S.A. §22-803]

4.1.6 CITY COURT (formerly Mayor's Court). The City Court sits in continuous session.

[Office of the Executive Secretary of the Judicial Department]

4.2.6 Organization. There are presently 82 such courts in the state. There are no specialized divisions of the court.

[1976 Annual Report, pp. v, 85]

4.3.6 Jurisdiction

a. Mayors of towns and second class cities are vested with the judicial powers of justices of the peace and, at least in second class cities, have exclusive jurisdiction in ordinance violations. The City Court has the same jurisdiction as the Police and Justice of the Peace Courts. Reference Sections 4.3.4 and 4.3.5.

b. The City Court has no appellate jurisdiction.

[Const., Art. 7, §40; A.S.A. §§19-1102, 19-1102.1, 19-1204; 1976 Annual Report, pp. 85]

4.4.6 Judges (76). City Courts are presided over by the elected mayors. The mayor may designate a justice of the peace to serve in his stead.

a. The City Courts do not have presiding judges.

b. In cities of the second class, any qualified voter of the city or any licensed attorney in the county may serve in the mayor's stead.

c. Mayors serve 4-year terms.

[A.S.A. §§19-1002, 19-1101.4, 19-1102, 22-812]

4.5.6 Administration. Each locality determines the administrative personnel of this court.

a. There are no provisions for presiding judges for the City Courts.

b. There are no provisions for administrators for the City Courts. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the City Courts.

4.6.6 Rule-making. Reference Section 1.6. There are no provisions in the statutes or rules that grant rule-making powers to the City Court.

State-Level Administration

5.1. General administrative authority. The constitution grants the Supreme Court general superintending control over all courts. Statutes provide that the Chief Justice of the Supreme Court is the administrative director of the Judicial Department of the state. He is responsible for the efficient operation of the department and of its constituent courts. The Chief Justice may assign, reassign, and modify assignments of Circuit and Chancery Court judges. The Executive Secretary of the Judicial Department is selected by the Chief Justice with the approval of the Judicial Council (reference Table 29: Judicial councils and conferences). The Chief Justice serves as chairman of the State-Federal Judicial Council, an informal organization consisting of state and federal judges which tries to solve common problems. Reference Section 1.5.a.

[Const., Art. 7, §4; A.S.A. §§22-142, 22-143; 1976 Annual Report, p. 5; Executive Secretary]

5.2 Office of the Executive Secretary of the Judicial Department

a. The Office of the Executive Secretary of the Judicial Department is authorized by Act 496 of 1965.

b. Executive Secretary

(1) The 1965 General Assembly authorized the position of Executive Secretary.

(2) The Executive Secretary must meet the same qualifications as a Circuit Court judge. Reference Section 3.4.1.b. The position is filled by the Chief Justice with the approval of the Judicial Council.

(3) Subject to the direction of the Chief Justice, the Executive Secretary performs the following functions:

(a) Examines the administrative methods of the courts and makes recommendations to the Chief Justice for their improvement.

(b) Examines the state of the docket of the courts and secures information as to their need for assistance.

(c) Prepares statistical data and reports concerning the business of the courts and advises the Chief Justice to the end that proper action may be taken.

(d) Examines the appropriation estimates of the courts and presents recommendations to the Chief Justice.

(e) Examines the courts' statistical systems and makes recommendations to the Chief Justice for a uniform system.

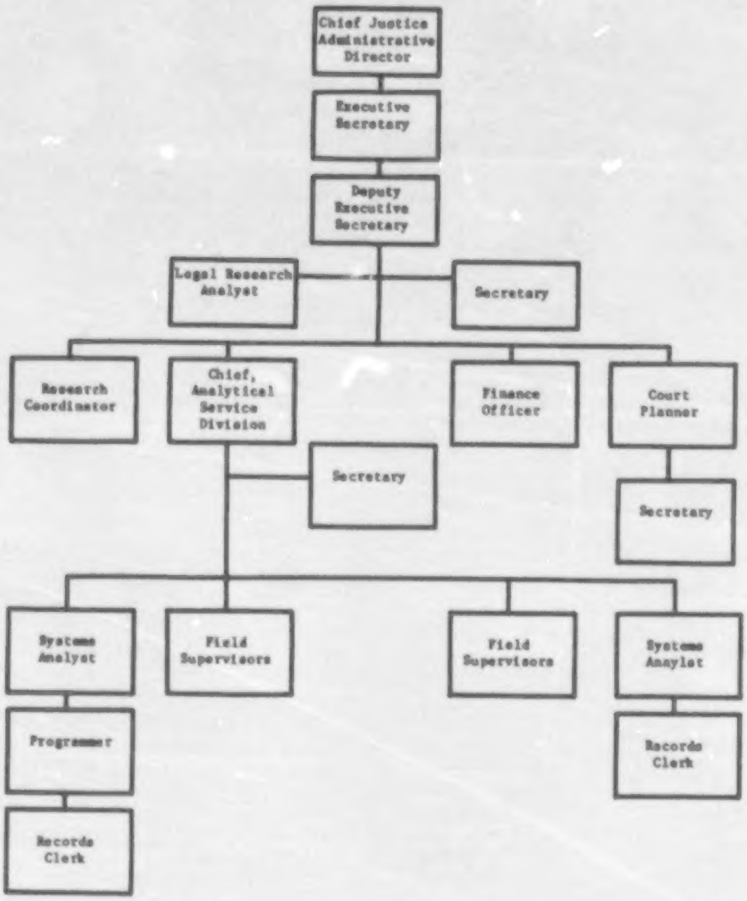
(f) At the request of the Judicial Council, serves as its secretary.

(g) Advises and assists trial court clerks in recordkeeping procedures.

(h) Performs such other duties as assigned by the Chief Justice.

c. Office organization. The office consists of the following personnel: deputy executive

Figure 2: Arkansas state-level administrative office of the courts, 1980


Chief Justice
Administrative Director
Executive Secretary
Deputy Executive Secretary
Legal Research Analyst
Secretary
Research Coordinator
Chief, Analytical Service Division
Finance Officer
Court Planner
Secretary
Secretary
Systems Analyst
Field Supervisors
Field Supervisors
Systems Anaylst
Programmer
Records Clerk
Records Clerk

secretary, court planner, chief of analytical services, research coordinator, financial officer, and three secretaries.
[A.S.A. §22-143; 1976 Annual Report, p. 6]

Quasi-Judicial Officers

6.1.1 CHANCERY COURT
6.2.1 Master in chancery

a. Chancery Courts may appoint masters in chancery. A master must be a qualified elector of the county and must have been licensed to practice law for at least 5 years.

b. These officers subpoena witnesses, rule on the admissability of evidence, and generally conduct hearings into contested issues of fact. Masters report their findings to the bench.
[A.S.A. §§22-449, 22-443; Arkansas Rules of Civil Procedure]

6.1.2 CHANCERY COURT
6.2.2 Standing master

a. Standing masters may be appointed in counties having a population exceeding 150,000. Such masters must possess at least 5 years of law practice experience.

b. Standing masters conduct hearings into factual disputes in contested divorces or separate maintenance cases. They take evidence, subpoena witnesses, and rule on admissability of evidence.
[A.S.A. §22-442 to 22-447]

6.1.2 CHANCERY COURT
6.2.2 Referee

a. Chancellors may appoint a referee in probate in each county. The referee must be an attorney, unless all such qualified individuals refuse the position.

b. Referees appoint administrators, guardians, and curators; admit wills to probate and appoint executors; consider all claims against estates; order sales of real or personal property; and receive and audit the final accounts of estates. In uncontested cases, the referee is empowered to enter the final order. He makes a report of findings of fact and law to the chancellor in contested cases.
[A.S.A. §§22-508 to 22-512]

6.1.3 COUNTY COURT
6.2.3 Referee

a. County Court judges may appoint referees to hear juvenile cases. All such referees appointed after 1975 must be licensed attorneys of the state. The 1977 General Assembly enacted into law a provision allowing each judge to appoint a referee to hear bastardy proceedings.

b. Referees appointed to hear juvenile cases possess all the authority and power of a regular judge. The decision of a referee in any juvenile case is binding on the County Court judge. Appeals from such decisions are heard by trial de novo in the Circuit Court. Juvenile referees have been appointed in 43 of the state's 75 counties. Final determinations in bastardy cases are made by the county judges and not the referees.
[A.S.A. §22-601.1, 45-408, 45-409, 45-440; 1976 Annual Report, p. 72]

6.1.4 MUNICIPAL COURT
6.2.4 Referee

a. If the Municipal Court establishes a Small Claims Division, the judge can appoint a referee who must meet the same qualifications as a Municipal Court judge (reference Section 4.4.1.b.), including a minimum of 6 years of law practice.

b. The referee is empowered to conduct hearings, take testimony, and make his recommendation of law and fact to the judge.
[A.S.A. §22-758.1]

Judicial Discipline

7.1.1 Judicial Qualifications Commission. The commission consists of one licensed attorney and one nonlawyer from each of the state's four congressional districts. The lawyers are selected by their peers in the districts and the nonlawyers are selected by the members of the General Assembly representing the districts.
[A.S.A. §22-145]

7.2.1 Authority and procedure for sanction. Created by the General Assembly in 1977, the commission investigates violations of laws or canons of ethics and mental or physical disability of judges sitting on Municipal, Justice of the Peace, Police, and City Courts. If, after an investigation and a confidential hearing, the commission determines that probable cause exists, it presents a bill of charges to the Supreme Court. The court then hears and determines the matter. Upon a majority vote, the court may discipline, suspend, remove, or retire the above-named classes of judges. Rules of procedure for the commission and court are promulgated by the Supreme Court.
[A.S.A. §§22-144, 22-145]

7.1.2 Judicial Ethics Committee. The committee consists of five members, one of whom is appointed by the Governor and two each by the Speaker of the House and by the Senate Committee on Committees.
[A.S.A. §22-1002]

7.2.2 Authority and procedure for sanction. The committee, also created by the General Assembly in 1977, investigates charges or complaints against justices of the Supreme Court and judges of the Circuit, Chancery, and Probate Courts. Preliminary reviews and investigations of complaints are confidential. If a formal investigation is deemed appropriate, those proceedings are held in public. If the committee determines from its formal investigation that cause exists for discipline or removal, a bill of charges is presented to the Speaker of the House and the President of the Senate for appropriate actions.
[A.S.A. §22-1001 to §22-1005]

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CALIFORNIA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court may transact business at any time. Historically, the Supreme Court has maintained its principal office in San Francisco, notwithstanding Section 1060 of the Government Code, which provides that justices of the Supreme Court "shall reside and keep their offices in the City of Sacramento." The court holds regular sessions in San Francisco, Los Angeles, and Sacramento and may hold special sessions elsewhere.

[Constitution, Article VI, Section 2; California Code of Civil Procedure (hereinafter Cal. Code Civ. Proc.) Section 41; California Rules of Court, Rule 21(a)]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in habeas corpus proceedings and in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.

b. A direct appeal is automatically taken to the Supreme Court in criminal cases in which judgment of death has been pronounced. Any party may petition for a hearing in the Supreme Court after a decision by a Court of Appeal. Also, the Supreme Court may, before final decision, transfer to itself for decision a cause in a Court of Appeal. The Supreme Court may directly, without intervention of a Court of Appeal, review a decision rendered by a Superior Court on appeal to it from a trial court by issuing a writ of certiorari where it is shown that the Superior Court has acted without, or in excess of, its jurisdiction [See *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal. 2d 450]. The court also has exclusive jurisdiction for discretionary review of final decisions of the California Public Utilities Commission by means of a statutory writ of review.

[Const., Art. VI, §§10, 11, 12; California Public Utilities Code (hereinafter Cal. Pub. Util. Code) Sections 1756, 1759; Cal. Rules of Court, Rules 28, 58]

1.4 Justices (7)

a. The Chief Justice is selected in the same manner as the associate justices and serves in this role for the entire term.

b. Supreme Court justices must have been members of the state bar or must have served as judges of courts of record in the state for 10 years immediately preceding selection to the Supreme Court.

c. The Governor fills vacancies on the Supreme Court by appointment. Appointments are subject to confirmation by the Commission on Judicial Appointments (reference Table 12: Characteristics of judicial nominating commissions). The commission is composed of the Chief Justice, the attorney general, and, when a nomination or appointment to the Supreme Court is to be considered, the presiding justice who has presided longest on any Court of Appeal. Justices must stand for retention elections at the same time and places as the Governor. They run unopposed on a nonpartisan ballot. Their terms of office are 12 years beginning the Monday after January 1 following their election.

[Const., Art. VI, §§7, 15, 16, 16(a), 16(d); California Elections Code (hereinafter Cal. Elec. Code) Section 37]

1.5 Adminstration

a. The Judicial Council (reference Table 29: Judicial councils and conferences) is the chief administrative body of the state judicial system. The Chief Justice serves as chairperson of the Judicial Council and is the administrative head of the court system. The Chief Justice exercises administration and supervision over the entire court system through the Administrative Director of the Courts, the administrative presiding justices of the Courts of Appeal, the presiding judges of the Superior Courts, the executive officers of the Superior Courts, and the presiding judges of the Municipal Courts. Reference Section 5.1 (General administrative authority).

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by the court and serves at its pleasure. In addition to the duties prescribed by law, the clerk performs such duties as required of him by the rules, orders, and practices of the court.

[Const., Art. VI, §6; California Government Code (hereinafter Cal. Gov. Code) Section 68840; Cal. Rules of Court, Rule 995]

1.6 Rule-making. The Judicial Council (reference Table 29: Judicial councils and conferences) makes rules for court administration, practice, and procedure, not inconsistent with statute.

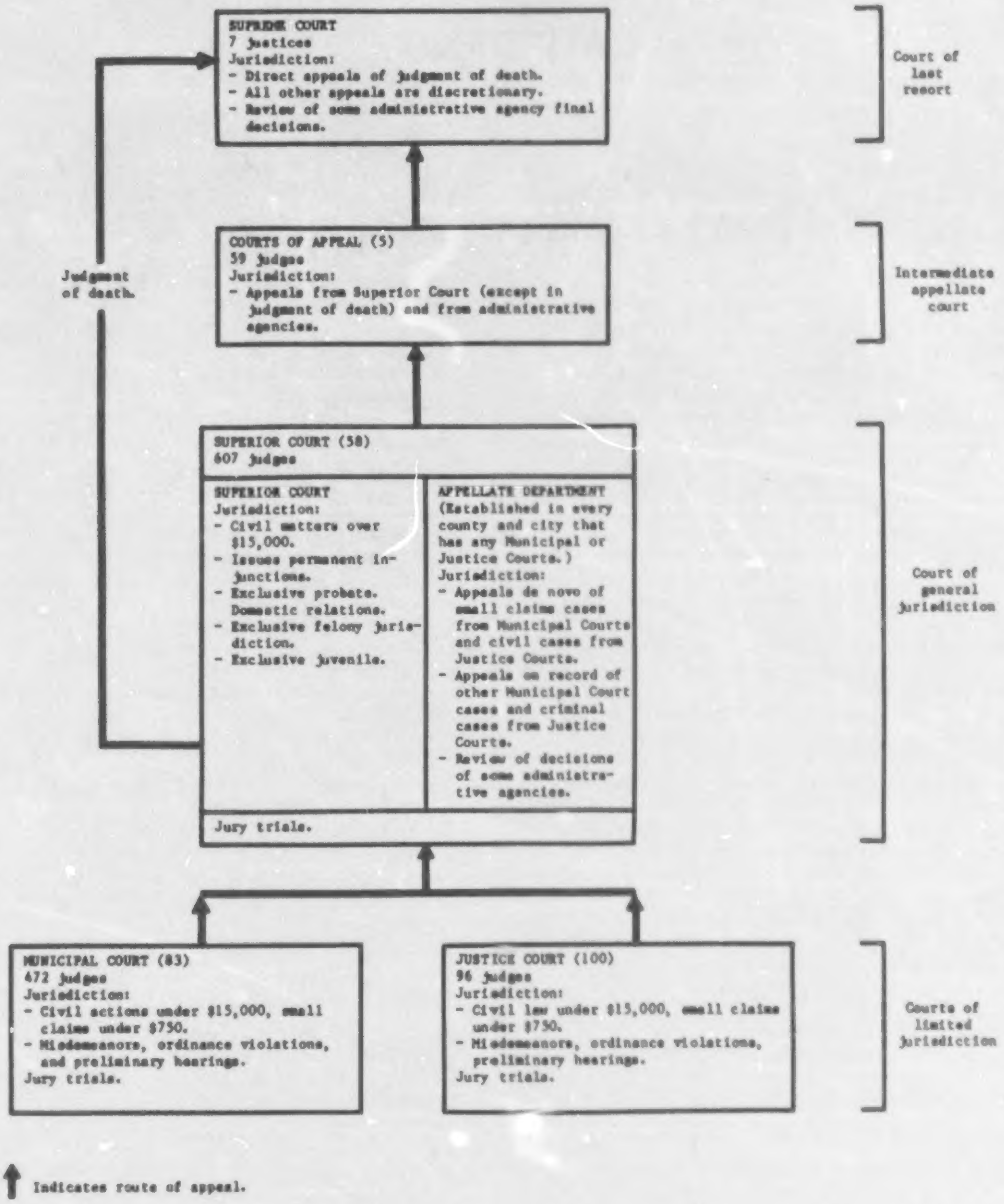
[Const., Art. VI, §6]

Intermediate Appellate Court

2.1 COURTS OF APPEAL. The Courts of Appeal may transact business at any time. Each of the Courts of Appeal and each division thereof must hold regular sessions at least once in each quarter at times specified by the court. A Court of Appeal, or division thereof, may hold special sessions in another appellate district when the causes scheduled for hearing during a special session have been transferred to the court by the Supreme Court from the appellate district in which the special session is to be held and the session has been approved by the Chief Justice.

[Cal. Code Civ. Proc. §41; Cal. Rules of Court, Rules 21(a), 21(b)]

Figure 1: California court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Direct appeals of judgment of death.
- All other appeals are discretionary.
- Review of some administrative agency final decisions.
Court of last resort
Judgment of death.
COURTS OF APPEAL (5)
59 judges
Jurisdiction:
- Appeals from Superior Court (except in judgment of death) and from administrative agencies.
Intermediate appellate court
SUPERIOR COURT (58)
607 judges
SUPERIOR COURT
Jurisdiction:
- Civil matters over $15,000.
- Issues permanent injunctions.
- Exclusive probate. Domestic relations.
- Exclusive felony jurisdiction.
- Exclusive juvenile.
APPELLATE DEPARTMENT
(Established in every county and city that has any Municipal or Justice Courts.)
Jurisdiction:
- Appeals de novo of small claims cases from Municipal Courts and civil cases from Justice Courts.
- Appeals on record of other Municipal Court cases and criminal cases from Justice Courts.
- Review of decisions of some administrative agencies.
Jury trials.
Court of general jurisdiction
MUNICIPAL COURT (83)
472 judges
Jurisdiction:
- Civil actions under $15,000, small claims under $750.
- Misdemeanors, ordinance violations, and preliminary hearings.
Jury trials.
JUSTICE COURT (100)
96 judges
Jurisdiction:
- Civil law under $15,000, small claims under $750.
- Misdemeanors, ordinance violations, preliminary hearings.
Jury trials.
Courts of limited jurisdiction
Indicates route of appeal.

2.2 Organization. The state is divided into five appellate districts, each having a Court of Appeal composed of one or more divisions. A Court of Appeal conducts itself as a 3-judge court. Concurrence of two judges present at the argument is necessary for a judgment.

Const., Art. VI, §3; Cal. Gov. Code §69100 to 69105]

2.3 Jurisdiction

a. The Courts of Appeal have original jurisdiction in habeas corpus proceedings and in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.

b. With the exception of death penalty cases that automatically are appealed directly to the California Supreme Court, the Courts of Appeal have appellate jurisdiction when the Superior Court has original jurisdiction and in other causes prescribed by statute. Cases arising in the Municipal and Justice Courts and on appeal in the Superior Court may be transferred to and reviewed by the Courts of Appeal when the Superior Court certifies or the Courts of Appeal determine that such transfer appears necessary to secure uniformity of decision or to settle important questions of law. Final orders of the California Agricultural Labor Relations Board (A.L.R.B.) are directly reviewable in the Courts of Appeal. Decisions of the Workers' Compensation Appeals Board (W.C.A.B.) and of the Alcoholic Beverage Control Appeals Board (A.B.C.A.B.) are subject to limited review in the Courts of Appeal pursuant to statutory writs of review.

[Const., Art. VI, §§10, 11; Cal. Rule of Court, Rules 56, 57, 61-69; Cal. Code Civ. Proc. §911; California Penal Code (hereinafter Cal. Pen. Code) Section 1471; Burrus v. Municipal Court (1973) 36 Cal. App. 3d 233; California Labor Code (hereinafter Cal. Lab. Code) Sections 1160.8, 5950, 5952, 5955 (Workers' Compensation Appeals Board); and California Business and Professions Code §§23089, 23090, 23090.2, 23090.5 (Alcoholic Beverage Control Appeals Board)]

2.4 Judges (59)

a. There is no provision for a chief judge over all the Courts of Appeal. In Courts of Appeal having more than one division, the Chief Justice may designate one of the presiding judges to act as an administrative presiding judge, to serve at the pleasure of the Chief Justice.

b. Courts of Appeal judges must meet the same requirements as Supreme Court justices. Reference Section 1.4.b.

c. Vacancies on the Courts of Appeal are filled by appointment by the Governor. Appointees are subject to confirmation by the Commission on Judicial Appointments (reference Table 12: Characteristics of judicial nominating commissions). Judges then face retention elections in their districts at general elections at the same time and places as the Governor. They run unopposed on a nonpartisan ballot. Their terms of office are 12 years beginning the Monday after January 1 following their election.

[Const., Art. VI, §§16, 16(a), 16(d); Cal. Elec. Code §37; Cal. Rules of Court, Rule 75]

2.5 Administration

a. There is no provision for a chief judge over all the Courts of Appeal. The administrative presiding judge for each appellate district performs those duties that are specified in rules adopted by the Judicial Council (reference Table 26: Judicial councils and conferences) and, in addition, those duties that may be delegated to him with the concurrence of the Chief Justice by a majority of the judges of the court in the district he serves. The administrative presiding judge acts on behalf of the court, with the approval of a majority of the judges in the district, in connection with general court administration, including matters involving budgets and personnel.

b. There are no provisions for an administrator over all the Courts of Appeal or for administrators for the five appellate districts. Reference Section 5.2.b (state-level administrator).

c. Each Court of Appeal appoints a clerk, who serves at its pleasure. In addition to the duties prescribed by law, each clerk performs such duties as are required of him by the rules, orders, and practices of the appointing court. The clerk is required to cooperate with the Judicial Council and keep such records and make such reports to the council as its chairperson requires with respect to the condition and manner of disposal of judicial business in the court.

[Cal. Gov. Code §§68505, 69140; Cal. Rules of Court, Rules 75, 76(5)]

2.6 Rule-making. The Courts of Appeal may make rules for self-government not inconsistent with law or with the rules promulgated by the Judicial Council (reference Table 29: Judicial councils and conferences).

[Cal. Gov. Code §68070]

Court of General Jurisdiction

3.1 SUPERIOR COURT. The Superior Court holds regular sessions commencing on the first Monday of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges of the court, except that in the City and County of San Francisco the presiding judge prescribes the times of holding such special sessions. There may be as many sessions of a Superior Court sitting at the same time as there are judges elected, appointed, or assigned to the court. Whenever, in the opinion of the judge or a majority of the judges of the Superior Court of any county, the public interests so justify or require, one or more sessions of the Superior Court, known as extra sessions, may be held in addition to and at the same time as the other sessions of the court.

[Cal. Gov. Code §§69741, 69741.5, 69790, 69791 to 69801]

3.2 Organization. In each county there is a Superior Court of one or more judges. Generally, each Superior Court is required to hold sessions at the county seat and at such other locations, if any, as are provided by statute. The Board of Supervisors of Los Angeles County, by ordinance, may divide the county into not more than nine Superior Court districts, none of which may have a population of less than 250,000, within which one or more sessions of the Superior Court are held. The Board of Supervisors may in the same or subsequent ordinance designate one or more locations within each district at which sessions will be held. An ordinance creating additional districts may not result in more than 11 districts in the county. There is an Appellate Department of the Superior Court in every county and city that has one or more Municipal or Justice Courts.

[Const., Art. VI, §4 see Cal. Gov. Code §§69580 et seq, 69641, 69642, 69644, 69645, 69741); (see also Cal. Gov. Code §§69741, 69742 to §69749, §69749.3); Cal. Code Civ. Proc. §77]

3.3 Jurisdiction

a. The Superior Court has trial jurisdiction in all felony cases. The Superior Court has original jurisdiction in habeas corpus proceedings and in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. In addition, the court has original jurisdiction in all causes "except those given by statute to other trial courts (i.e., Municipal and Justice Courts)." The Superior Court has jurisdiction in civil cases in which the amount involved exceeds $15,000.

The Superior Court is also referred to as the Probate Court, the Juvenile Court, and the Conciliation Court when hearing probate, juvenile, and domestic relations matters, respectively. The Superior Court has exclusive trial jurisdiction in many cases in equity (however small the amount in controversy may be) because the legislature has made only a limited grant of such jurisdiction to the Municipal and Justice Courts. The Superior Court alone has the power to issue permanent injunctions.

b. The Appellate Departments of the Superior Courts have appellate jurisdiction in causes prescribed by statute that arise in Municipal and Justice Courts in their counties. The Superior Court also hears appeals from decisions of Municipal and Justice courts. All appeals except in small claims cases are heard by a three-judge appellate department in each county. Appeals to the Superior Court are governed by rules adopted by the Judicial Council (reference Table 29: Judicial councils and conferences). Appeals may also be transferred from the Superior Court to the Courts of Appeal. Review of decisions of most administrative agencies is in the Superior Court, by means of a writ of mandamus based on the administrative record. The Supreme Court, however, has exclusive jurisdiction for reviewing final decisions of the California Public Utilities Commission; and final orders and decisions of the California Agricultural Labor Relations Board, Workers' Compensation Appeals Board, and Alcoholic Beverage Control Appeals Board are directly reviewable in the Courts of Appeal.

[Const., Art. VI, §10 (see also Cal. Code Civ. Proc. §1067 et. seq.); Const., Art. VI, §11; (see also Code Civ. Proc. §§77, 117.10, 901, 904.2); Cal. Pen. Code §§1466, 1468, 1469; California Probate Code Section 301; California Welfare and Institutions Code Section 245; Cal. Code Civ. Proc. §§86, 1094.5, 17407; Witkin, Vol. I, California Procedure (2d ed., 1970) §173 Courts, p. 441; Cal. Pub. Util. Code §§1756, 1759; Cal. Rules of Court, Rules 58, 61-69; Cal. Lab. Code §1160.8 (A.L.R.B.); Cal. Lab. Code §§5950, 5942, 5953, 5955; Cal. Rules of Court, Rule 23090.2, 23090.5 (A.B.C.A.B.)]

3.4 Judges (607)

a. There is no provision for a chief judge over all the Superior Courts. The judges of each Superior Court having three or more judges choose from their own members a presiding judge who serves at their pleasure. In Superior Courts with two judges, a presiding judge is selected each calendar year. If a selection cannot be agreed upon, then the office of presiding judge is rotated each calendar year.

b. Superior Court judges must meet the same requirements as Supreme Court justices. Reference Section 1.4.b.

c. Superior Court judges are chosen in their counties at general elections. The term of office is 6 years. The special method of selecting appellate court judges by appointment of the Governor and confirmation by the Commission on Judicial Appointments (composed of the Chief Justice, the attorney general, and the presiding judge of the Court of Appeal who has presided longest on any Court of Appeal or the presiding judge of the Court of Appeal of the affected district) may be made applicable to the Superior Courts in the manner authorized by statute in counties approving the plan by majority vote of the voters. In no county has the plan been implemented for trial courts.

[Const., Art. VI, §§16(b), 16(e), 16(d); see Cal. Elec. Code, §25330 et. seq. Witkin, California Procedure (2d ed., 1970) §3 Courts, p. 296; Cal. Gov. Code §69508]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the Superior Courts, there are presiding judges for the individual courts. The presiding judge's administrative duties are set forth in California Rules of Court, Rule 244.5(a). The presiding judge is required to prepare, with the assistance of appropriate committees of the court, proposed local rules of court necessary to expedite and facilitate the business of the court. The presiding judge designates the judge to preside in each department, including a master calendar judge when that is appropriate, and designates a supervising judge for each district or branch court. The presiding judge assigns to the master calendar judge any of the duties that may be performed more appropriately by that department. The presiding judge apportions the business of the court among the several departments of the court as equally as possible. The presiding judge causes to be published for general distribution copies of a current court calendar setting forth the assignments of the judges, the times and places assigned for hearing the various types of court business, and any special calendaring requirements adopted by the court for such hearings. The presiding judge may reassign cases assigned to one department to any other department as convenience or necessity requires. It is the responsibility of the presiding judge to prepare an orderly plan of vacations and attendance at schools, conferences, and workshops for judges and submit such plan to the judges for consideration. (California Rules of Court, Rule 244.5(a)(9) provides that 21 court days a year is a proper vacation period for Superior Court judges, and attendance at a California school, conference, or workshop for judges is not deemed vaction time if such attendance is in accord with the plan and has the prior approval of the presiding judge.) The presiding judge calls meetings of the judges as needed and appoints standing and special committees of judges to assist in the proper performance of the duties and functions of the court. The presiding judge supervises the administrative business of the court and has general direction and supervision of the attaches (non-judicial personnel with various duties, commissions who perform subordinate judicial duties, as well as other court personnel) of the court. The presiding judge must provide for an appropriate orientation program for new judges as soon as is feasible after appointment or election. California Rules of Court, Rule 244.5(a) (16) provides that the presiding judge of the Superior Court, when appropriate, meets with or designates a judge or judges to meet with any committee of the bench, bar, and news media to review problems and to promote understanding of the principles of fair trial and free press, under paragraph 9 of the 'Joint Declaration Regarding News Coverage of Criminal Proceedings in California'.

b. There is no provision for an administrator over all the Superior Courts. Any Superior Court may, however, appoint an executive officer who holds office at the pleasure of the court and exercises such administrative powers and performs other duties as may be required of him by the court. The executive officer has the authority of a clerk of the Superior Court and the Superior Court may, by local rule, specify which powers, duties, and responsibilities of the county clerk are to be exercised or performed by the executive officer.

c. There is no separate office of clerk of the Superior Court. Each county clerk is ex officio clerk of the Superior Court of his county and it is one of his official duties as county clerk to act as clerk of the Superior Court. He has responsibilities as determined by the court.

[Const., Art. VI, §4; Cal. Gov. Code §§26900, 69898(c), 69898(d); Cal. Rules of Court, Rules 244.5, 244.5(a) (9, 16)]

3.6 Rule-making. The Superior Court may make rules for its own government and the government of its officers not inconsistent with law or with the rules adopted and prescribed by the Judicial Council. The presiding judge of each Superior Court prepares with the assistance of appropriate committees of the court such proposed local rules as are required to expedite and facilitate the business of the court. Such rules must be submitted to the local bar for consideration and recommendations, approved by a majority of the Superior Court judges, filed with the Judicial Council, and published for general distribution.

[Cal. Gov. Code §68070, 68071; Cal. Rules of Court, Rules 244.(a)(1)]

Courts of Limited or Special Jurisdiction

4.1.1 MUNICIPAL COURT. There may be as many sessions of a Municipal Court sitting at the same time as there are judges elected, appointed, or assigned to the court.

[Cal. Gov. Code §71340]

4.2.1 Organization. Sessions of a Municipal Court may be held at any place or places within the district for which the court is established. Where a Municipal Court district embraces two or more cities, Municipal Court sessions are held at such places within the district as the Board of Supervisors designates from time to time as the public convenience requires. The Board of Supervisors of each county may divide the county into judicial districts. Except in San Diego County, no city may be divided so as to lie within more than one district. A Municipal Court is to be established in each judicial district of more than 40,000 residents. The Municipal Court is divided into as many departments as there are judges of the court.

[Const., Art. VI, §5(b); Cal. Gov. Code §§71040, 71043, 71341, 71342, 72270]

4.3.1 Jurisdiction

a. The Municipal Court has trial jurisdiction in criminal misdemeanor and infraction cases. In addition, Municipal Court judges act as magistrates conducting preliminary hearings in felony cases to determine whether there is probable cause to hold a defendant for further proceedings or trial in the Superior Court. Generally, the Municipal Court has original trial jurisdiction in civil cases in which the amount involved is $15,000 or less. The Municipal Court has no general equity jurisdiction, but it does have jurisdiction over the limited number of equitable actions that are specified in Section 86 of the Code of Civil Procedure. The court also has jurisdiction in all cases when equity is pleaded as a defensive matter in any case otherwise properly pending in the court. The Municipal Court exercises jurisdiction in simplified small claims proceedings where the amount claimed does not exceed $750.

b. The Municipal Court has no appellate jurisdiction.

[Const., Art. I, §14; Cal. Code Civ. Proc. §86 subd. (b)(2), §§116. 116.2, 117; Cal. Pen. Code §859 to 883, §1462]

4.4.1 Judges (472)

a. Annually, the judges of a Municipal Court choose from their number a presiding judge. The presiding judge may be removed at any time and another chosen by majority vote of the judges. In Municipal Courts with two judges, the presiding judge is selected on the basis of administrative qualifications and interest each calendar year. If a selection cannot be agreed upon, then the office of presiding judge is rotated each calendar year between the two judges commencing with the senior judge.

b. Municipal Court judges must have been members of the state bar for 5 years immediately preceding selection to the Municipal Court. Section 71140 of the Government Code requires, in addition, that Municipal Court judges must have been residents eligible to vote in the judicial districts or cities and counties in which they are elected or appointed for a period of at least 54 days prior to the date of their election or appointment. There are, however, some exceptions to the residence requirement.

c. Municipal Court judges are elected by the voters of their respective districts at the general state election next preceding the expiration of the term for which the incumbent has been elected. The term of office of Municipal Court judges is 6 years. Vacancies in Municipal Courts are filled by appointment of the Governor.

[Const., Art. VI, §§15. 16(b); Cal. Gov. Code §§71140, 71140.3, 71141, 71145, 71180, 72271, 72271.5]

4.5.1 Administration

a. The presiding judges assign the judges to their respective departments. Subject to the regulations of the Judicial Council (reference Table 29: Judicial councils and conferences), the presiding judges apportion the business of the court among the several departments and transfer cases from one department to another if necessary or convenient to facilitate the dispatch of the business of the court. Presiding judges of the Municipal Court have the same administrative duties as presiding judges of the Superior Court. Reference Section 3.5.a.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. The clerks of the Municipal Court are appointed by the judges of the court. With respect to proceedings in the Municipal Court, the clerks of the Municipal Courts have the same powers th[illegible] are conferred by law upon the county clerks with respect to proceedings in the Superior Court. They have responsibilities as determined by the court.

[Cal. Gov. Code §§71181, 72050, 72050.2 et. seq., 72272, 72274; Cal. Rules of Court, Rules 532.5, 533]

4.6.1 Rule-making. The rule-making power of the Municipal Court is the same as that of the Superior Court. Reference Section 3.6.

[Cal. Rules of Court, Rule 532.5; see also Cal. Rules of Court, Rule 981]

4.1.2 JUSTICE COURT. There may be as many sessions of a Justice Court at the same time as there are judges elected, appointed, or assigned to the court.

[Cal. Gov. Code §71340]

4.2.2 Organization. A Justice Court is established in each judicial district of 40,000 residents or less. The Board of Supervisors designates by ordinance the place or places within the district where sessions of the Justice Court are to be held. It may change the places if public convenience requires. There are no specialized divisions of the court.

[Const., Art. VI, §5; Cal. Gov. Code §71341]

4.3.2 Jurisdiction

a. The jurisdiction of the Justice Court is the same as and concurrent with that of the Municipal Court. Reference Section 4.3.1.a.

b. The Justice Court has no appellate jurisdiction.

[Cal. Code Civ. Proc. §83; Cal. Pen. Code §1462.1]

4.4.2 Judges (96)

a. The Justice Court has no presiding judge.

b. Justice Court judges must be attorneys and must be residents of the counties they are to serve at the time of their selection.

c. Justice Court judges are elected at general elections in their judicial districts. The office is nonpartisan. Their terms of office are 6 years.

[Const., Art. VI, §16(b); Cal. Gov. Code §§71701, 71145; Cal. Elec. Code §41]

4.5.2 Administration

a. There are no provisions for presiding judges for the Justice Court.

b. There are no provisions for administrators for the Justice Court. Reference Section 5.2.b (state-level administrator).

c. Clerks of the Justice Courts are appointed by the courts. They have responsibilities as determined by the court.

[Cal. Gov. Code §71181]

4.6.2 Rule-making. The Justice Court has the authority to make local rules not inconsistent with law or with the rules adopted and prescribed by the Judicial Council.

[See Cal. Rules of Court, Rules 701, 532.5, 981]

State-Level Administration

5.1 General administrative authority. The chief administrative body of the state judicial system is the Judicial Council (reference Table 29: Judicial councils and conferences). To improve the administration of justice, the constitution directs the Judicial Council to survey judicial business and make recommendations to the courts and annual [illegible]mendations to the Governor and the legislature. The Judicial Council also is required to adopt rules for court administration, practice, and procedure, not inconsistent with statute. The Chief Justice is the administrative head of the court system. The Chief Justice serves as chairperson of the Judicial Council and serves on the Commission on Judicial Appointments. Under the California Constitution, the Chief Justice must seek to expedite judicial business and to equalize the work of judges. The Chief Justice may assign any judge to another court, but only with the judge's consent if the court is of lesser jurisdiction. Judges must report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. The Chief Justice appoints the judicial members of the Judicial Council. In Courts of Appeal having more than one division, the Chief Justice may designate one of the presiding judges to act as an administrative presiding judge, to serve at the pleasure of the Chief Justice. Reference Section 1.5.a.

[Const., Art. VI, §§6, 7; Cal. Rules of Court, Rules 75, 995]

5.2 Administrative Office of the Courts

a. The Administrative Office of the Courts is authorized by California Constitution.

[Article VI, §6; California Rules of Court, Rule 991]

b. Administrative Director of the Courts

(1) The position of Administrative Director of the Courts is authorized by California Constitution, Article VI, §6.

(2) The Judicial Council appoints the Administrative Director who serves at its pleasure. He must be a member of the state bar and must have served for 10 years as a judge of a court of record in California immediately preceding his appointment.

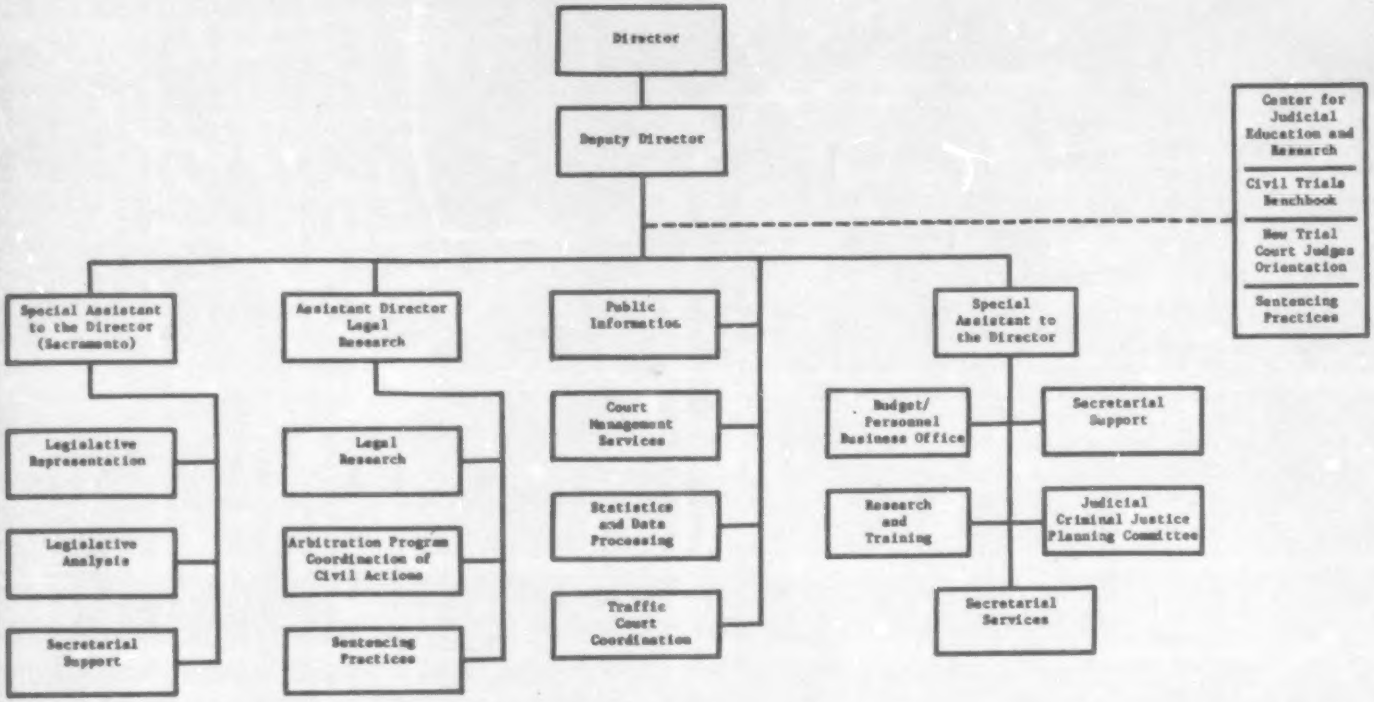
(3) The Administrative Director performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice, and procedure. The power conferred upon the Judicial Council of allocating state appropriations for the judiciary may be exercised on its behalf by the Administrative Director in the form of an order signed by him and approved by the chairperson of the Judicial Council.

c. Office organization. The Administrative Office of the Courts consists of 53 professionals (including the Administrative Director of the Courts). The professional staff provides support services in the following areas: records management; court coordination and other court services; accounting, auditing, budgeting, and purchasing; publications; personnel systems and office management; and planning and research activities including statistical compilation, research, statistical analysis, and legal services. The research staff provides the Judicial Council with the legal research needed to recommend statutory changes necessary to improve the state judicial system. A legislation staff aids the council and the legislature in implementing the council's legislative proposals and in evaluating other legislative measures affecting the judicial system. A statistical research staff collects and analyzes judicial statistics.

[Const., Art. VI, §§6, 15; Cal. Gov. Code, §68500.5; Cal. Rules of Court, Rules 991, 992]

Quasi-Judicial Officers

Figure 2: California state-level administrative office of the courts, 1980


Director
Deputy Director
Center for Judicial Education and Research
Civil Trials Benchbook
New Trial Court Judges Orientation
Sentencing Practices
Special Assistant to the Director (Sacramento)
Legislative Representation
Legislative Analysis
Secretarial Support
Assistant Director Legal Research
Legal Research
Arbitration Program Coordination of Civil Actions
Sentencing Practices
Public Information
Court Management Services
Statistics and Data Processing
Traffic Court Coordination
Special Assistant to the Director
Budget/ Personnel Business Office
Secretarial Support
Research and Training
Judicial Criminal Justice Planning Committee
Secretarial Services

6.1.1 SUPREME COURT
6.2.1 Referee

a. Referees are appointed by the court on an ad hoc basis. They are usually active or retired trial judges.

b. Referees are empowered to hear testimony when the court has granted a request to take additional evidence on appeal.

[Cal. Code Civ. Proc. §909; Cal. Rules of Court, Rule 23]

6.1.2 COURTS OF APPEAL
6.2.2 Referee

a. Referees are appointed by the court on an ad hoc basis. They are usually active or retired trial judges.

b. Referees are empowered to hear testimony when the court has granted a request to take additional evidence on appeal.

[Cal. Code Civ. Proc. §909; Cal. Rules of Court, Rule 23]

6.1.3 SUPERIOR COURT
6.2.3 Trial court commissioner

a. The Superior Court may appoint court commissioners, the number and authority of the commissioners varying with the size of the county. Every Superior Court commissioner must be a citizen of the United States and must be a resident of the state. The appointing court may also require that the commissioner have been admitted to practice before the Supreme Court for at least 5 years immediately preceding the appointment. A Superior Court commissioner holds office during the pleasure of the court appointing the commissioner and may not engage in the private practice of law.

b. Every court commissioner has the following powers:

(1) In the absence or inability of the judge to act, to hear and determine ex parte motions for orders and writs (except injunctions).

(2) To take proof and report his conclusions as to any matter of fact other than an issue of fact raised by the pleadings.

(3) To take and approve bonds and examine sureties, administer oaths, take affidavits and depositions, and take acknowledgments and proofs of instruments.

(4) To charge and collect the same fees for the performance of official acts as are allowed for notaries public, except where compensation is otherwise fixed by law.

(5) To provide an official seal and authenticate his official acts with such seal.

In counties having a population of 900,000 or more, court commissioners have enlarged powers. Subject to the supervision of the court, court commissioners in these counties may perform the following duties:

(1) Hear and determine ex parte motions for orders and alternative writs and writs of habeas corpus.

(2) Take proof and make and report findings as to any matter of fact, subject to the right of a party to argue exceptions to the court.

(3) Take and approve bonds and examine sureties, administer oaths, take affidavits and depositions, and take acknowledgements and proof of instruments.

(4) Act as judge pro tempore when otherwise qualified so to act.

(5) Hear and report findings on all preliminary matters including motions or petitions for the custody and support of children, the allowance of temporary alimony, costs and attorneys fees, and issues of fact in contempt proceedings in dissolution, maintenance, and annulment of marriage cases.

(6) Hear, report on, and determine all uncontested actions and proceedings other than actions for dissolution, maintenance, or annulment.

[Cal. Gov. Code §§259a, 59894.1 (Los Angeles County) 59900 (San Francisco), 70141 *et. seq.*, 70142; *Rooney v. Vermont Investment Corp.* (1973) 10 Cal. 3d 351]

6.1.4 SUPERIOR COURT
6.2.4 Referee

a. One or more referees, not exceeding three, may be chosen by the parties or, if they fail to agree, by the court. The referee must be a resident of the county and he may be the court commissioner.

b. A (voluntary) reference may be ordered upon the agreement of the parties to try any or all of the issues in an action or proceeding whether of fact or of law, and to report a finding and judgment (i.e., a general reference) or to ascertain some fact necessary to enable the court to determine an action or proceeding (i.e., a special reference). In certain narrower cases, a compulsory reference may be directed by the court.

[Cal. Code Civ. Proc. §§638, 639, 640]

6.1.5 SUPERIOR COURT
6.2.5 Temporary judge

a. A temporary judge can be appointed by the court on stipulation of the parties litigant. The judge must be a member of the state bar.

b. A temporary judge may try a cause to its final determination.

[Const., Art. VI, §21]

6.1.6 MUNICIPAL COURT
6.2.6 Trial court commissioner

a. The commissioners of Municipal Courts must meet the same qualifications the law requires of a judge. They hold office during the pleasure of the court appointing them and may not engage in the private practice of law. They are ex officio deputy clerks.

b. Within the jurisdiction of the Municipal Court and under the the direction of the judges, commissioners may have the same jurisdiction and exercise the same powers and duties as are authorized by law to be performed by commissioners of the Superior Courts and such additional powers and duties as may be prescribed by law. At the direction of the judges, commissioners may have the same jurisdiction and exercise the same powers and duties as the judges of the Municipal Court with respect to any infraction. A commissioner of a Municipal Court may conduct arraignment proceedings if directed to perform such duties by the presiding or sole judge of the court.

[Cal. Gov. Code §§72190, 72190.1]

6.1.7 MUNICIPAL COURT
6.2.7 Traffic referee

a. The judges of a Municipal Court having three or more judges may appoint a traffic referee who holds office at the pleasure of the judges. A traffic referee must be a member of the California State Bar or must have had 5 years of experience as a Justice Court judge in California immediately preceding his appointment as a traffic referee.

b. At the direction of the court a traffic referee may perform the following duties: (1) with respect to any misdemeanor violation of the Vehicle Code, he may fix the amount of bail, grant continuances, arraign defendants, hear and recommend orders to be made on demurrers and motions other than continuances, take pleas, and set cases for hearing or trial; (2) with respect to any misdemeanor violation under subdivision (b) of Section 42001 of the Vehicle Code (failure to appear), in addition to the above duties, he may impose a fine following a plea of guilty or nolo contendere, may suspend payment of the fine, and may order the defendant to attend traffic school; (3) with respect to any infraction, he may have the same jurisdiction and exercise the same powers and duties as a judge of the court. In conducting arraignments, taking pleas, granting continuances, setting cases for trial, and imposing penalties for traffic offenses, a traffic referee has the same powers as a judge of the court.

[Cal. Gov. Code §§72400, 72401, 72402]

6.1.8 MUNICIPAL COURT
6.2.8 Referee

a. A reference may be ordered to the person or persons, not exceeding three, agreed upon by the parties. If the parties do not agree upon the referees, the court or judge must appoint one or more referees, not exceeding three, who reside in the county and against whom there is no legal objection, or the reference may be made to the court commissioner of the county.

b. When agreed to by the parties litigant, referees can conduct the trial of the cause.

[Cal. Code Civ. Proc. §638 to 645]

6.1.9 MUNICIPAL COURT
6.2.9 Temporary Judge

a. On stipulation of the parties, the court can appoint an attorney to act as temporary judge.

b. Temporary judges are empowered to hear a cause to its final determination.

[Const., Art. VI, §21; Cal. Rules of Court, Rule 532(a)]

Judicial Discipline

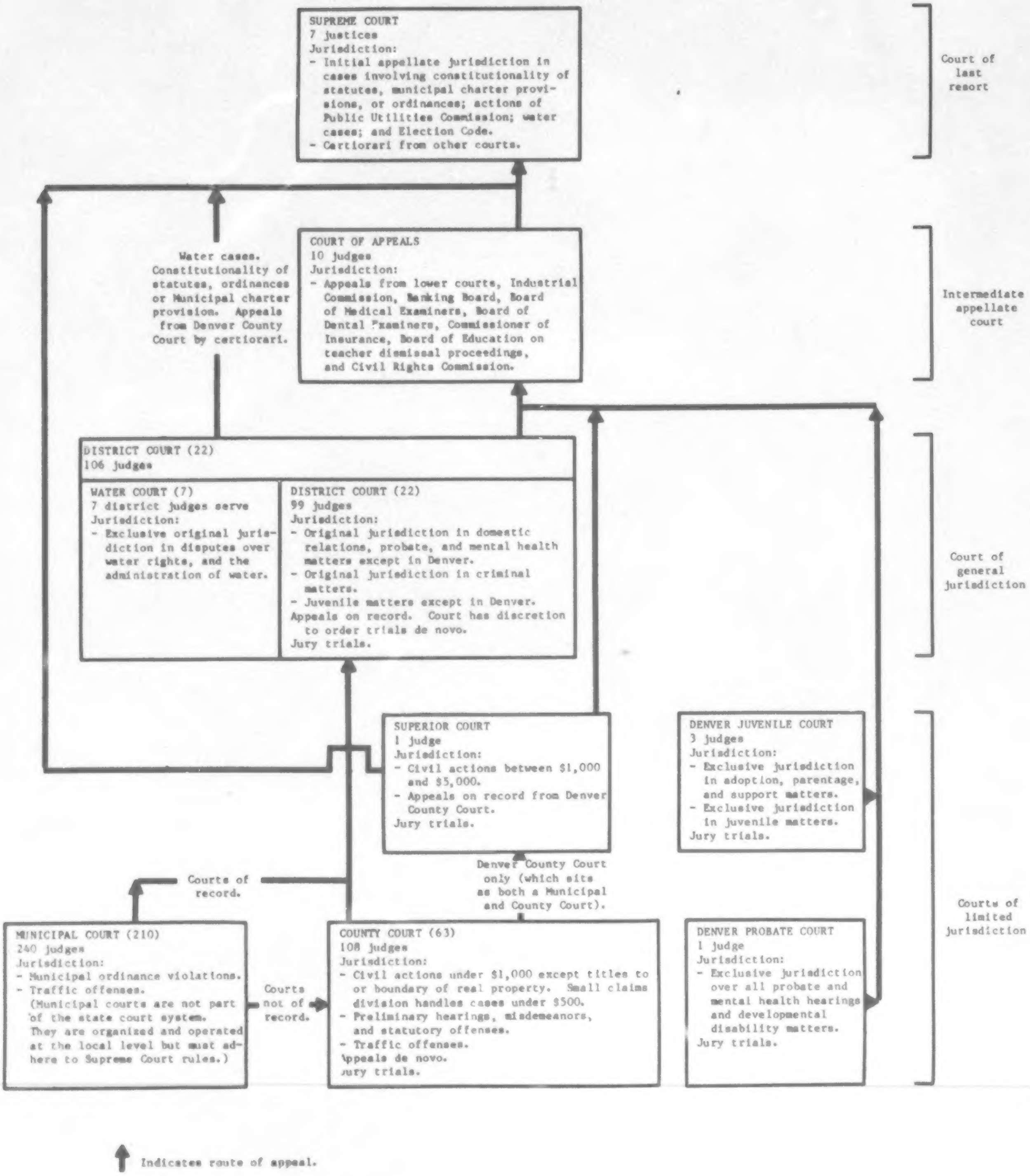
7.1 Commission on Judicial Performance. The commission is the constitutional body authorized to investigate complaints of alleged judicial misconduct. The commission consists of two judges of the Courts of Appeal, two judges of the Superior Court, and one judge of the Municipal Court, all appointed by the Supreme Court; two members of the state bar who have practiced law in the state for 10 years, appointed by the governing body of the state bar; and 2 public members, appointed by the Governor subject to approval by the Senate.

[Const., Art. VI, §8]

7.2 Authority and procedure for sanction. Prior to any disciplinary recommendation, a hearing is held before the Commission on Judicial Performance or upon the commissions's request, before special masters appointed by the Supreme Court. The speial masters are judges of courts of record, except that when there are three special masters, not more than two of them may be retired judges of courts of record. A recommendation by the commission to censure, remove, or retire a judge is reviewed by the Supreme Court upon a petition to modify or reject the recommendation. But where the disciplinary proceeding involves a Supreme Court justice, the commission's recommendation to censure, remove, or retire is subject to review instead by a tribunal consisting of seven Courts of Appeal judges selected by lot.

[Const., Art. VI, §18(e); Cal. Rules of Court, Rules 907, 919, 921; see McComb v. Commission on Judicial Performance, Vol. 19 California Supreme Court Reports, 3d series Special Tribunal Supplement, pp. 1, 7]

Figure 1: Colorado court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Initial appellate jurisdiction in cases involving constitutionality of statutes, municipal charter provisions, or ordinances; actions of Public Utilities Commission; water cases; and Election Code.
- Certiorari from other courts.
Court of last resort
Water cases. Constitutionality of statutes, ordinances or Municipal charter provision. Appeals from Denver County Court by certiorari.
COURT OF APPEALS
10 judges
Jurisdiction:
- Appeals from lower courts, Industrial Commission, Banking Board, Board of Medical Examiners, Board of Dental Examiners, Commissioner of Insurance, Board of Education on teacher dismissal proceedings, and Civil Rights Commission.
Intermediate appellate court
DISTRICT COURT (22)
106 judges
WATER COURT (7)
7 district judges serve
Jurisdiction:
- Exclusive original jurisdiction in disputes over water rights, and the administration of water.
DISTRICT COURT (22)
99 judges
Jurisdiction:
- Original jurisdiction in domestic relations, probate, and mental health matters except in Denver.
- Original jurisdiction in criminal matters.
- Juvenile matters except in Denver.
Appeals on record. Court has discretion to order trials de novo.
Jury trials.
Court of general jurisdiction
SUPERIOR COURT
1 judge
Jurisdiction:
- Civil actions between $1,000 and $5,000.
- Appeals on record from Denver County Court.
Jury trials.
DENVER JUVENILE COURT
3 judges
Jurisdiction:
- Exclusive jurisdiction in adoption, parentage, and support matters.
- Exclusive jurisdiction in juvenile matters.
Jury trials.
Courts of record.
Denver County Court only (which sits as both a Municipal and County Court).
Courts of limited jurisdiction
MUNICIPAL COURT (210)
240 judges
Jurisdiction:
- Municipal ordinance violations.
- Traffic offenses.
(Municipal courts are not part of the state court system. They are organized and operated at the local level but must adhere to Supreme Court rules.)
Courts not of record.
COUNTY COURT (63)
108 judges
Jurisdiction:
- Civil actions under $1,000 except titles to or boundary of real property. Small claims division handles cases under $500.
- Preliminary hearings, misdemeanors, and statutory offenses.
- Traffic offenses.
Appeals de novo.
Jury trials.
DENVER PROBATE COURT
1 judge
Jurisdiction:
- Exclusive jurisdiction over all probate and mental health hearings and developmental disability matters.
Jury trials.
Indicates route of appeal.

COLORADO

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Denver. The statutes presently require three separate terms beginning the second Monday in September, January, and April. Special terms may be requested by the Supreme Court.

[Constitution, Article VI, Section 4; Section 13-2-101 Colorado Revised Statutes 1973 (hereinafter C.R.S. 1973)]

1.2 Organization. The Supreme Court sits en banc to decide all matters.

[State Court Administrator]

1.3 Jurisdiction

a. The Supreme Court has power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other original and remedial writs. The court may give its opinion on important questions when required by the Governor or legislature. It has jurisdiction in matters relating to the admission, grievances, and registration of attorneys, and the maintenance of the law library.

b. The Supreme Court has final appellate review over every final judgment of all trial courts. The court has other appellate review as provided by law.

[Const., Art. VI, §§2, 3; §§13-2-117, 13-2-118 C.R.S. 1973; Colorado Rules of Civil Procedure, Rule 242]

1.4 Justices (7)

a. The Supreme Court selects a Chief Justice from its own membership. The Chief Justice serves at the pleasure of the court.

b. Supreme Court justices must be qualified voters of the state and must have been licensed to practice law in the state for 5 years.

c. Supreme Court justices are appointed by the Governor from a list of three nominees submitted by the Supreme Court Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). After serving for 2 years, a justice may then run for retention on a nonpartisan ballot for a full term of 10 years.

[Const., Art. VI, §§5, 7, 8, 20, 25]

1.5 Administration

a. The Chief Justice is the executive head of the court system. The Supreme Court exercises administration and supervision over the entire court system through the State Court Administrator, chief judges, and trial court administrators. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The State Court Administrator serves as clerk. He is selected by the Supreme Court and serves at the pleasure of the court. He must be a college graduate and have thorough experience in court administration. The administrator has responsibilities as delegated by the court.

[Const., Art. VI, §5; A Report on the Position Classification, p. 1221]

1.6 Rule-making. The Supreme Court has the power to promulgate general rules of practice and procedure for the courts of record. The court promulgates rules governing the administration of all courts. It may make rules of practice, and prescribe forms of process and regulations for the keeping of records and proceedings of the court, not inconsistent with the constitution or laws of the state.

[Const., Art. VI, §§2, 21; §§13-2-108, 13-2-109, 13-2-110 C.R.S. 1973]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The Court of Appeals sits in Denver but any division of the court may sit in another county seat to hear oral arguments. The court sits in continuous session.

[§13-4-107 C.R.S. 1973; State Court Administrator]

2.2 Organization. The Court of Appeals, a court of statewide jurisdiction, sits in divisions of three judges each to determine all matters. The chief judge makes the division assignments with the approval of the Chief Justice.

[§13-4-106 C.R.S. 1973]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has initial jurisdiction over appeals from the District Court, Superior Court, Denver Probate Court, and Denver Juvenile Court with the following exceptions:

(1) Cases in which the constitutionality of a statute, municipal charter provision, or ordinance is in question.

(2) Decisions of the Public Utilities Commission.

(3) Water cases involving priorities or adjudications.

(4) Writs of habeas corpus.

(5) Cases appealed from the County Court to the District Court or Superior Court.

(6) Cases appealed from the Municipal Court to the District Court or Superior Court.

The Court of Appeals has initial jurisdiction to review actions of the Industrial Commission and of the Banking Board regarding charters. The Court of Appeals issues any writs, directives, orders, and mandates necessary to the determination of cases within its jurisdiction.

[§13-4-102 C.R.S. 1973; State Court Administrator]

2.4 Judges (10)

a. The chief judge is selected from the Court of Appeals judges by the Chief Justice, and serves at his pleasure. His term as chief judge is determined by the Chief Justice.

b. Court of Appeals judges must be qualified voters of the state and must have been licensed to practice law in the state for 5 years.

c. Court of Appeals judges are appointed by the Governor from a list of three nominees submitted by the Supreme Court Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). After serving for 2 years, a judge may then run for retention on a nonpartisan ballot for a full term of 8 years.

[Const., Art. VI, §§20, 25; §§13-4-103, 13-4-104, 13-4-105 C.R.S. 1973]

2.5 Administration

a. The chief judge has administrative authority over the court, to the extent delegated by the Chief Justice. The chief judge is responsible for the assignment of judges to divisions and the transfer of cases within the court and may, with other members of the court, appoint court personnel as authorized by the Supreme Court through a comprehensive statewide personnel staffing plan.

b. The administrator of the Court of Appeals is the clerk.

c. The clerk is selected by the judges of the court and serves at their pleasure. Qualifications for clerk of the Court of Appeals are as follows: graduation from an accredited college or university, and considerable experience in court administration or a master's degree in judicial administration. The clerk is responsible for all administrative services of the court, direction of personnel, procurement of supplies and equipment, and other duties of a court administrator.

[§§13-3-105, 13-4-105, 13-4-106, 13-4-111 C.R.S. 1973; A Report on the Position Classification, p. 1222; State Court Administrator]

2.6 Rule-making. Rule-making powers reside in the Supreme Court. Reference Section 1.6.

[Const., Art. VI §21; §§13-2-108, 13-2-109 C.R.S. 1973]

Court of General Jurisdiction

3.1 DISTRICT COURT. Terms are fixed by court rule.

[§13-5-101 C.R.S. 1973]

3.2 Organization. There are 22 judicial districts, composed of one to seven counties. Each county has a District Court. Separate divisions of the District Court may be established by law, or by rule of court.

[Const., Art. VI, §10; §13-5-102 to §13-5-123 C.R.S. 1973; State Court Administrator]

3.3 Jurisdiction

a. The District Court, except in the city and county of Denver, has original jurisdiction in all criminal, civil, probate, and juvenile cases. Denver District Court has original jurisdicton in criminal and civil cases only. Jurisdiction over other matters has been given to the Denver Juvenile Court, Denver Probate Court, and Denver Superior Court.

Exclusive original jurisdiction in disputes over water rights is vested in the District Court. The state is divided into seven water divisions with one District Court (commonly referred to as the "Water Court") handling all waters matters in each water division.

b. The District Court, except in the city and county of Denver, may review any final judgment of any County Court within the district. The District Court reviews judgments, on the record, from a qualified Municipal Court of record within the district.

[Const., Art. VI, §9; 1976 Annual Report, p. 115; State Court Administrator]

3.4 Judges (106)

a. There is no provision for a chief judge over all the districts of the District Court. The Chief Justice fills this role. The chief judges of the individual districts are appointed by and serve at the pleasure of the Chief Justice.

b. District Court judges must be qualified voters of the state at the time of their selection, and must have been licensed to practice law in the state for 5 years. Each judge of the District Court must be a resident of his judicial district during his term of office.

c. District Court judges are appointed by the Governor from a list of two or three nominees selected by the District Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). After serving for 2 years, a judge may then run for retention on a nonpartisan ballot for a full term of 6 years.

[Const., Art. VI, §§5, 10, 11, 20; State Court Administrator]

3.5 Administration

a. The Chief Justice of the Supreme Court exercises administration over all the districts of the District Court. The chief judges of the individual districts have administrative authority as delegated by the Chief Justice. The chief judges have power with the other judges of the court to appoint clerks and personnel as authorized by the Supreme Court through a comprehensive statewide personnel staffing plan.

b. There is no provision for an administrator over all the districts of the District Court. An administrator for each district may be selected by the chief judge of the district in consultation with the other judges (who may also interview candidates) subject to the approval of the Chief Justice. There are two small districts that combine chief judge and district administrator responsibilities. District administrators are responsible for the administration of all courts of record in their districts, including the County Court, except for the Denver County Court, which has its own administrator.

c. Chief judges are authorized to appoint clerks. Clerks serve as custodians of court records.

[Const., Art. VI, §5; §§13-1-101, 13-1-102, 13-1-119 C.R.S. 1973; State Court Administrator]

3.6 Rule-making. Rules of procedure for the District Courts are prescribed by the Supreme Court. Reference Section 1.6. The judges of the District Court sit en banc to make rules to facilitate the transaction of business in the courts and provide for the classification, arrangement, and distribution of the business of the court among the judges. These rules are subject to approval by the Supreme Court.

[§§13-2-108, 13-2-109, 13-5-133 C.R.S. 1973]

Courts of Limited or Special Jurisdiction

4.1.1 DENVER SUPERIOR COURT. Terms of the court may be regulated by rules of the Superior Court.

[§13-7-103 C.R.S. 1973]

4.2.1 Organization. The Denver Superior Court is the only Superior Court in Colorado, although the statutes provide for a Superior Court in each county or a combined city and county (only Denver is a combined city and county) having a population of 300,000 or more inhabitants. Specialized divisions may be regulated by court rule.

[§§13-7-101, 13-7-103 C.R.S. 1973; State Court Administrator]

4.3.1 Jurisdiction

a. The Superior Court has original jurisdiction concurrent with the District Court in all civil actions wherein the amount in contest is between $1,000 and $5,000.

b. The Superior Court has exclusive jurisdiction to affirm, reverse, remand, modify or try de novo cases appealed from the County Court.

[§13-7-102 C.R.S. 1973]

4.4.1 Judges (1)

a. The Denver Superior Court has one judge, who serves as the presiding judge.

b. Superior Court judges must have the same qualifications as district judges. Reference Section 3.4.b.

c. Superior Court judges are appointed by the Governor from a list of two or three nominees submitted by the District Nominating Committee (reference Table 12: Characteristics of judicial nominating commissions). After serving for 2 years, a judge may then run for retention on a nonpartisan ballot for a full term of 6 years.

[Const., Art. VI, §20; §13-7-105 C.R.S. 1973]

4.5.1 Administration

a. The presiding judge has administrative authority as delegated by the Chief Justice. The presiding judge appoints personnel as authorized by the Supreme Court through a comprehensive statewide personnel staffing plan. Administrative coordination with other courts is effected through the presiding judge.

b. The administrator of the Superior Court is the clerk.

c. The clerk is selected by the presiding judge of the court and serves at his pleasure. He must be a college graduate with major course work in public administration or in a related field, and have experience in an administrative capacity. The clerk performs duties as assigned.

[Const., Art. VI, §5; §13-7-106 C.R.S. 1973; *A Report on the Position Classification*, p. 1222; State Court Administrator]

4.6.1 Rule-making. Practice and procedure are governed by the Supreme Court rules of civil and criminal procedure. The Superior Courts may make rules to facilitate the business of the court.

[§13-7-103 C.R.S. 1973]

4.1.2 DENVER JUVENILE COURT (or District Court in Juvenile Matters). The term of the Denver Juvenile Court is set by court rule. There must be at least one term a year.

[Const., Art. VI, §12]

4.2.2 Organization. The jurisdiction of the Denver Juvenile Court is limited to the city and county of Denver. The Juvenile Court may have special divisions to facilitate the business of the court. These divisions are defined by court rule.

[§13-8-103, 13-8-115 C.R.S. 1973]

4.3.2 Jurisdiction

a. The Denver Juvenile Court has exclusive jurisdiction in capital criminal cases involving juveniles under 14. In noncapital felony cases, exclusive juvenile court jurisdiction extends to age 16, and concurrent jurisdiction (with the District Court) to age 18, with some minor exceptions. In criminal cases involving a child over 16, the Denver Juvenile Court may determine whether it serves the best interest of the child or public to try that case in the Juvenile Court or in the District Court. A hearing must be held to determine jurisdiction. The Denver Juvenile Court has exclusive original jurisdiction in cases involving neglected, dependent, and delinquent children, children needing oversight, and adults who encourage delinquency or neglect or abandon a child; custody hearings, adoptions, child support hearings, and paternity suits.

b. The Denver Juvenile Court has no appellate jurisdiction.

[§§13-8-103, 19-1-103 C.R.S. 1973; State Court Administrator]

4.4.2 Judges (3)

a. The judges sit en banc to select a presiding judge, subject to the approval of the Chief Justice.

b. Denver Juvenile Court judges must meet the same qualifications as District Court judges. Reference Section 3.4.b.

c. Denver Juvenile Court judges are appointed by the Governor from a list of two or three nominees submitted by the District Nominating Committee (reference Table 12: Characteristics of judicial nominating commissions). After serving for 2 years, a judge may then run for retention on a nonpartisan ballot for a full term of 6 years.

[Const., Art. VI, §§15, 20; 13-8-108, 13-8-109, 13-8-112 C.R.S. 1973]

4.5.2 Administration

a. The presiding judge of the Denver Juvenile Court has administrative authority as delegated by the Chief Justice. The presiding judge and the other judges of the court appoint such personnel as authorized by the Supreme Court through a comprehensive statewide personnel staffing plan.

b. The Director of Juvenile Court Services is the administrator. He is selected by the judges of the court and serves at their pleasure. He must have a master's degree in psychology, social work, or a closely related field, and thorough experience with broad administrative responsibilities in a court. The director plans and directs the administration of all programs of the Juvenile Court, prepares budgets, and is responsible for all administrative operations of the court. Also reference Section 5.2.b (state-level administrator).

c. The clerk, who is appointed by the court, performs the same duties as a District Court clerk. Reference Section 3.5.c.

[Const., Art. VI, §5; §13-8-110, 13-8-112, 13-9-109 C.R.S. 1973; *A Report on the Position Classification*, p. 1202; State Court Administrator]

4.6.2 Rule-making. Rules of procedure for the Denver Juvenile Court are promulgated by the Supreme Court. Reference Section 1.6. The Denver Juvenile Court has the power to make rules not in conflict with rules of the Supreme Court or other laws of the state for the conduct of the court's business. The court rules are subject to review by the Supreme Court.

[§§13-2-108, 13-2-109, 13-8-115 C.R.S. 1973]

4.1.3 DENVER PROBATE COURT. The terms of the court are fixed by court rule, but at least one term must be held each year.

[§13-9-113 C.R.S. 1973]

4.2.3 Organization. The Denver Probate Court is the only Probate Court and sits in the city of Denver.

[See §13-9-113 C.R.S. 1973]

4.3.3 Jurisdiction

a. The Denver Probate Court has original and exclusive jurisdiction in the city and county of Denver regarding probate, inheritance, and testamentary matters and the guardianship of minors, absentees, and incompetents.

b. The Denver Probate Court has no appellate jurisdiction.

[Const., Art. VI, §14; §13-9-103 C.R.S. 1973]

4.4.3 Judge (1)

a. The Denver Probate Court has one judge, who serves as the presiding judge.

b. The Probate Court judge must be a qualified voter of the city and county of Denver and must have been licensed to practice law in the state for 5 years. He must be a resident of the city and county of Denver during his term of office and he may not engage in the private practice of law while in office.

c. The Probate Court judge is appointed by the Governor from a list of two or three nominees submitted by the District Nominating Commission (reference Table 19: Characteristics of judicial nominating committees). After serving for two years, a judge may then run for retention on a nonpartisan ballot for a full term of 6 years.

[Const., Art. VI, §20; §§13-8-108, 13-9-104, 13-9-105, 13-9-107(1) C.R.S. 1973]

4.5.3 Administration

a. The presiding judge of the Probate Court has administrative authority as delegated by the Chief Justice. The presiding judge appoints personnel as authorized by the Supreme Court through a comprehensive statewide personnel staffing plan.

b. The clerk of the Probate Court is the administrator. Reference Section 5.2.b (state-level administrator).

c. The clerk is selected by the judge of the Probate Court and serves at his pleasure. He must be a college graduate with major coursework in public administration or a related field, and have considerable experience in a court or related administrative work. The clerk is responsible for the administration of all clerical proceedings in the court. The responsibilities of the clerk include matters as may be assigned to him by law, by court rules, and by the probate judge.

[Const., Art. VI, §5; §§13-9-109, 13-9-110, 13-98-109 C.R.S. 1973; A Report on the Position Classification, p. 1223; State Court Adminis- trator]

4.6.3 Rule-making. Practice and procedure in the Probate Court are governed by special laws for matters within its jurisdiction and by the rules of probate procedure and civil procedure. The Probate Court has the power to make rules for the conduct of its business to the extent that such rules are not in conflict with the rules of the Supreme Court or state law.

[§§13-9-111, 13-9-112 C.R.S. 1973; State Court Administrator]

4.1.4 COUNTY COURT. The County Court must have at least one term per year, or as specified by court rule.

[§13-6-302 C.R.S. 1973]

4.2.4 Organization. The County Court sits in the county seat, and may provide for hearings and trials in other locations. Where city boundaries are within two counties, the County Court may sit any place within the city, provided that venue is properly determined. The Small Claims Court is a specialized division of the County Court.

[§13-6-303 C.R.S. 1973]

4.3.4 Jurisdiction

a. Except in Denver, the County Court has concurrent original jurisdiction with the District Court in misdemeanor violations of state laws (except those that involve juveniles), issuance of warrants, and preliminary hearing and bail in felonies and misdemeanors. Children under 18 are not included unless the offense is a felony punishable by death or life imprisonment. The County Court has concurrent jurisdiction with the District Court in civil suits in which the debt or damages claimed do not exceed $1,000, in forcible entry and detainer actions up to $1,000, petitions for change of name, and the issuance of peace bonds. The Small Claims Court has concurrent original jurisdiction with the District Court in all civil actions up to $500. The County Court has no jurisdiction in matters of probate, mental health, juveniles, dissolution of marriage, or real property.

b. The County Court has de novo appellate jurisdiction from a Municipal Court not of record within the county.

[Const., Art. VI, §20; §§13-6-104, 13-6-105, 13-6-106 C.R.S. 1973; State Court Administrator]

4.4.4 Judges (108 judges--89.3 FTE)

a. The court rules of each County Court provide for the selection of a presiding judge. If there are no rule provisions, the Chief Justice of the Supreme Court selects a presiding judge. The Denver County Court presiding judge is selected by the mayor and serves a 1-year term, which can be renewed.

b. County Court judges must be qualified voters of the counties in which they are elected or appointed and must reside there as long as they are judges.

In class A & B counties: Judges must be admitted to the practice of law in the state. They must devote full time to their judicial duties and not engage in the private practice of law. They also serve as municipal judges in counties of class A, but not class B.

In Class C & D counties: Judges must be high school graduates (or have attained certificates of equivalency). County judges, if lawyers, may engage in the private practice of law in courts other than the County Court and in matters that have not and will not come before the County Court. The County Court judges may serve as municipal judges. Nonlawyer judges may not take office until they have attended the institute on the duties and functioning of the County Court, held under the supervision of the Supreme Court. This requirement may be waived by the Supreme Court.

c. County Court judges are appointed by the Governor from a list of two or three nominees selected by the District Nominating Commission (reference Table 19: Characteristics of judicial nominating committees), except for the Denver County Court where judge selection is determined by city charter. After serving for 2 years, a judge may then run for retention on a nonpartisan ballot for a full term of 4 years.

[Const., Art. VI, §16; §§13-6-203, 13-6-203(5), 13-6-204, 13-6-205, 13-6-215, 13-9-213 C.R.S. 1973; State Court Administrator]

4.5.4 Administration

a. The administrative authority of the presiding judges is determined by rules of the court, or by the Chief Justice of the Supreme Court.

b. The administrators are the County Court clerks. Reference Section 3.5.b (Administration).

c. Clerks perform the same duties as District Court clerks. Reference Section 3.5.c (Administration). In small counties, however, the judge may serve as his own clerk.

[§§13-6-211, 13-6-212, 13-6-215, 13-9-109 C.R.S. 1973]

4.6.4 Rule-making. Each County Court has the power to make its own rules, not in conflict with the rules of the Supreme Court. All County Court rules are subject to review by the Supreme Court. The legislature has power to provide simplified rules for the Small Claims Court. In a County Court with more than one judge, the court makes rules regarding the allocation of the business of the court.

[Const., Art. VI, §2; §§13-5-113, 13-5-133 C.R.S. 1973]

4.1.5 MUNICIPAL COURT. The terms of the Municipal Court are set by local court rules, charter provisions, and ordinances.

[Colorado Municipal Courts, pp. 1, 2]

4.2.5 Organization. The Municipal Courts sit in their respective municipalities. Local court rules fix specialized divisions of the Municipal Court.

[§13-10-112 C.R.S. 1973]

4.3.5 Jurisdiction

a. The Municipal Court tries all municipal ordinance violations. It may or may not be a court of record, depending upon the particular establishing ordinance of the municipality.

b. The Municipal Court has no appellate jurisdiction.

[§13-10-104 C.R.S. 1973; State Court Administrator]

4.4.5 Judges (15 full-time, 225 part-time)

a. The municipal governing bodies appoint presiding Municipal Court judges, who serve in this capacity during the term for which they are appointed.

b. Municipal Court judges must be high school graduates or have equivalency certificates. Preference is given to the appointment of a Municipal Court judge who is licensed to practice law or is trained in the law.

c. Municipal Court judges are appointed by the municipal governing bodies unless otherwise provided in the city charters. Judges are to be appointed for terms that are not less than 2 years. They may be reappointed.

[§§13-6-203, 13-10-105, 13-10-106 C.R.S. 1973]

4.5.5 Administration

a. The duties of the presiding municipal judges are determined on a local basis.

b. There are no provisions for administrators for the Municipal Court.

c. Unless the municipal governing body determines the workload of the court is insufficient to justify a clerk, a clerk is appointed by the governing body and performs duties prescribed by law and the Municipal Court judge. He must be bonded.

[§§13-10-108, 13-10-109 C.R.S. 1973]

4.6.5 Rule-making. The presiding judge of any Municipal Court has the authority to issue local rules of procedure consistent with rules of procedure adopted by the Supreme Court.

[§13-10-112 C.R.S. 1973]

State-Level Administration

5.1 General administrative authority. The Chief Justice is the executive head of the judicial system. The Supreme Court selects a State Court Administrator and provides for administrative personnel, including trial court administrators, for the courts. The Chief Justice selects chief judges for the District Courts and the Court of Appeals. He may assign retired judges to work in the courts where needed. He assembles all judges annually to discuss recommendations made by the State Court Administrator and business that will benefit the judiciary. The Chief Justice submits an annual report to the Governor and to the legislature regarding the administration of the courts. Reference Section 1.5.a (Administration).

[Const., Art. VI, §§4, 5; §§13-3-102, 13-4-105 C.R.S. 1973]

5.2 Office of the State Court Administrator

a. There is no specific authorization for the administrative office.

b. State Court Administrator

(1) The State Court Administrator's position is established by the constitution and by statute.

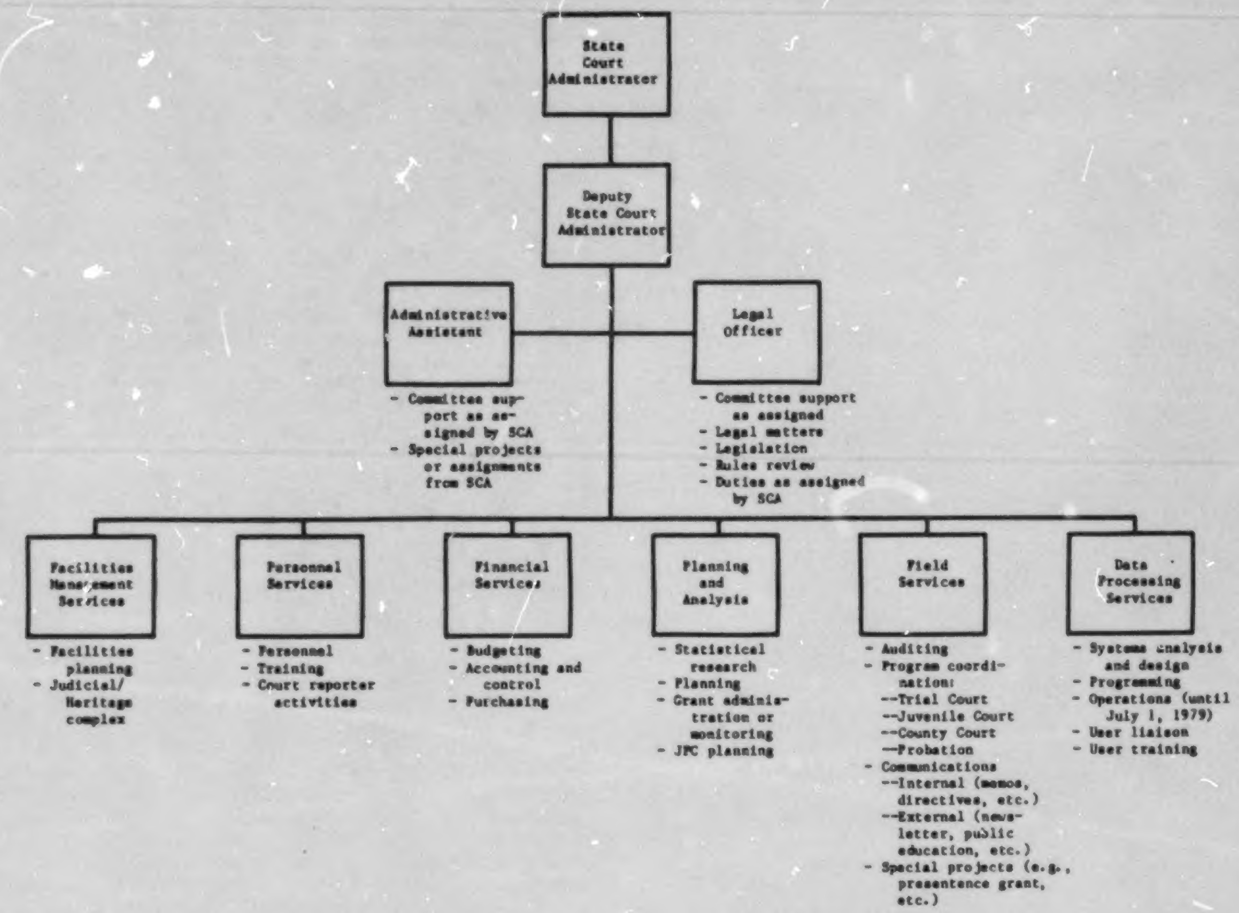
(2) The State Court Administrator is appointed by the Supreme Court. He must be a college graduate and have thorough experience in court administration.

(3) The State Court Administrator makes a continuous survey of the conditions of the dockets and the business of the courts. He makes recommendations and reports thereon to the Chief Justice. He prescribes the procedures to be used by the Judicial Department with respect to the preparation of budget requests and any matters relating to fiscal administration. He prepares a comprehensive personnel classification system and staffing plan for all courts in the state system. He consults with the state comptroller in preparation of regulations pertaining to budgetary and fiscal procedures and forms, and the disbursement of funds. The State Court Administrator prepares an annual consolidated budget for all the courts of record, subject to the provisions of §13-3-104 C.R.S. 1973.

c. Office organization. The Office of the State Court Administrator consists of 47 people: 42 professionals (including the State Court Administrator) and 5 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, records management, forms development, and field representation; probation coordination, court reporting, court coordination, other court services, and facilities management; payroll, accounting, audit, budgeting, and purchasing; training and publications; personnel systems and office management; legislative, executive, public, and media information and legislative liaison; and planning and research activities, which include statistical compilation, judicial planning, research, statistical analysis, and legal services.

[State Court Administrator]

Figure 2: Colorado state-level administrative office of the courts, 1980


State Court Administrator
Deputy State Court Administrator
Administrative Assistant
- Committee support as assigned by SCA
- Special projects or assignments from SCA
Legal Officer
- Committee support as assigned
- Legal matters
- Legislation
- Rules review
- Duties as assigned by SCA
Facilities Management Services
- Facilities planning
- Judicial/Heritage complex
Personnel Services
- Personnel
- Training
- Court reporter activities
Financial Services
- Budgeting
- Accounting and control
- Purchasing
Planning and Analysis
- Statistical research
- Planning
- Grant administration or monitoring
- JPC planning
Field Services
- Auditing
- Program coordination:
--Trial Court
--Juvenile Court
--County Court
--Probation
- Communications
--Internal (memos, directives, etc.)
--External (newsletter, public education, etc.)
- Special projects (e.g., presentence grant, etc.)
Data Processing Services
- Systems analysis and design
- Programming
- Operations (until July 1, 1979)
- User liaison
- User training

Quasi-Judicial Officers

6.1.1 DISTRICT COURT
6.2.1 Water referee

a. Water referees must be qualified by experience and training, and a master's degree in engineering is desirable. Water referees are appointed by and serve at the pleasure of the District Court judge who is designated water judge.

b. The referee conducts investigations regarding water rights and rules on applications for water rights.

[§§37-92-203(4), (5), (6), 37-92-302, 37-92-303 C.R.S. 1973; Position Description Number 3111; Parajudges: Their Role in Today's Court Systems, p. 36]

6.1.2 DISTRICT COURT
6.2.2 Domestic relations referee

a. Domestic relations referees must be admitted to the practice of law. They are appointed by the judges pursuant to court rule.

b. The referee hears various kinds of cases assigned by the judges including uncontested cases and temporary orders.

[State Court Administrator]

6.1.3 DENVER JUVENILE COURT
6.2.3 Commissioner

a. Commissioners must be lawyers and are appointed by and serve at the pleasure of the court.

b. Commissioners may hear any case in the court's jurisdiction and report their findings and recommendations to the court.

[§19-1-110 C.R.S. 1973; Parajudges: Their Role in Today's Court Systems, p. 36]

6.1.4 COUNTY COURT
6.2.4 Small Claims Referee

a. In class A counties, referees for small claims matters may be appointed by the presiding judge. In class B counties, referees may be appointed if approved by the Chief Justice. All referees must be attorneys admitted to the practice of law in Colorado. They are appointed by the judges of the court where they sit.

b. Small claims referees hear small claims matters in the County Courts of the larger counties. While acting as a referee for small claims, a referee has the same powers as a judge. If any party objects to the referee, that party's case is referred to a judge.

[§13-6-405 C.R.S. 1973]

Judicial Discipline

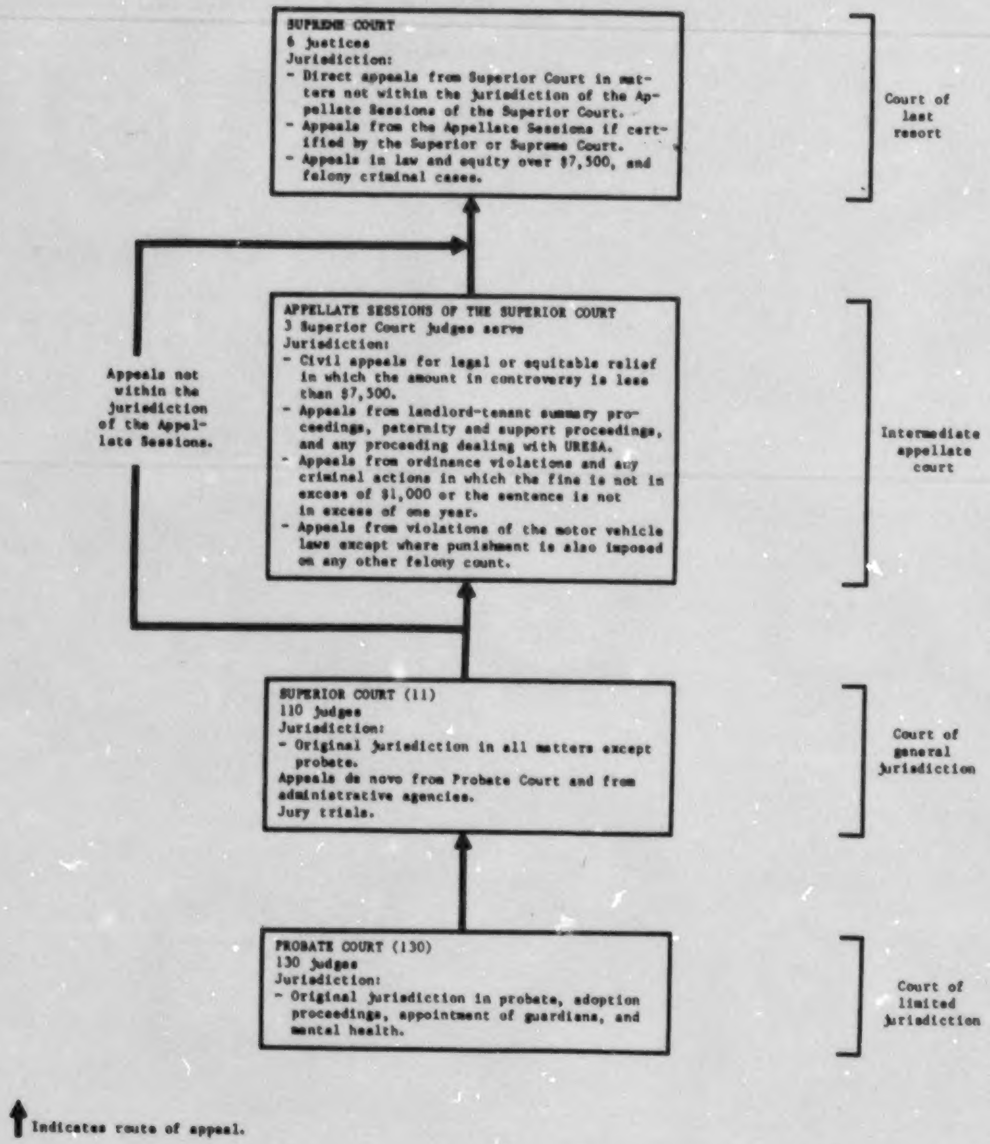
7.1 Commission on Judicial Qualifications. The membership of the Commission on Judicial Qualifications includes three judges of the District Court and two judges of the County Court selected by the Supreme Court; two citizens admitted to the practice of law in the state, who have been practicing for 10 years (neither of whom may be a judge), appointed by majority action of the Governor, Attorney General, and Chief Justice; and two citizens not admitted to the bar, appointed by the Governor.

[Const., Art. VI, §23]

7.2 Authority and procedure for sanction. A judge or justice may be removed for willful misconduct in office or persistent failure to perform his duties, or because of a disability that interferes with the performance of his duties. The Commission on Judicial Qualifications reviews the matter, or it may refer the case to a panel of three special masters (hearing officers) who investigate and report their findings to the commission. If the commission finds good cause for removal, that recommendation is made to the Supreme Court. All proceedings of the commission are confidential. The Supreme Court reviews all proceedings and may order removal or retirement, or it may reject the commission's recommendation.

[Const., Art. VI, §23]

Figure 1: Connecticut court system, 1980



SUPREME COURT
6 justices
Jurisdiction:
- Direct appeals from Superior Court in matters not within the jurisdiction of the Appellate Sessions of the Superior Court.
- Appeals from the Appellate Sessions if certified by the Superior or Supreme Court.
- Appeals in law and equity over $7,500, and felony criminal cases.

APPELLATE SESSIONS OF THE SUPERIOR COURT
3 Superior Court judges serve
Jurisdiction:
- Civil appeals for legal or equitable relief in which the amount in controversy is less than $7,500.
- Appeals from landlord-tenant summary proceedings, paternity and support proceedings, and any proceeding dealing with URESA.
- Appeals from ordinance violations and any criminal actions in which the fine is not in excess of $1,000 or the sentence is not in excess of one year.
- Appeals from violations of the motor vehicle laws except where punishment is also imposed on any other felony count.

SUPERIOR COURT (11)
110 judges
Jurisdiction:
- Original jurisdiction in all matters except probate.

Appeals de novo from Probate Court and from administrative agencies.
Jury trials.

PROBATE COURT (130)
130 judges
Jurisdiction:
- Original jurisdiction in probate, adoption proceedings, appointment of guardians, and mental health.

Court of last resort
Intermediate appellate court
Court of general jurisdiction
Court of limited jurisdiction
Appeals not within the jurisdiction of the Appellate Sessions.
Indicates route of appeal.

CONNECTICUT

Court of Last Resort

1.1 SUPREME COURT. Terms of the court are held at Hartford beginning on the first Tuesday of each month, except July, August, and September. Special terms may be held at the discretion of the court.

[Connecticut General Statutes Annotated (hereinafter C.G.S.A.) Section 51-200]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has the power to issue extraordinary writs.

b. Appeals from final judgments or actions of the Superior Court are taken to the Supreme Court, except for small claims, decisions of administrative agencies, and those matters within the exclusive jurisdiction of the Appellate Sessions of the Superior Court. There is no right to further review of an Appellate Session decision, except by certification by the Appellate Session or by two judges of the Supreme Court.

[C.G.S.A. §§51-197a, 51-197f, 51-199]

1.4 Justices (6)

a. The Chief Justice is nominated by the Governor and appointed by the General Assembly for an 8-year term.

b. The Chief Justice and associate justices of the Supreme Court must be members of the state bar and are not permitted to engage in private practice.

c. Supreme Court justices are nominated by the Governor and appointed by the General Assembly for 8-year terms.

[Constitution, Article 5, Section 2; C.G.S.A. §§2-42, 51-47]

1.5 Administration

a. The Chief Justice is the head of the Judicial Department. He exercises administration and supervision over the entire court system through the Chief Court Administrator, the executive secretary, the administrative judges of the Superior Court, the Executive Committee of the Superior Court, and the Probate Court administrator. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. Although the statutes still specify that the Superior Court clerks also act as Supreme Court clerks, those clerks do not perform any function for the Supreme Court other than accepting appeals and supervising the office of the Supreme Court and Appellate Session of the Superior Court. The justices of the Supreme Court designate and fill the position of chief clerk of the Supreme Court. There are no formal provisions for assigning administrative duties to the clerk.

[C.G.S.A. §51-201; Chief Court Administrator]

1.6 Rule-making. Rule-making authority for the Supreme Court is vested in the Supreme Court. Rules that modify, supersede, or suspend any statute relating to pleading, practice, and procedure in existence on July 1, 1957 are subject to disapproval by resolution of the General Assembly. Public hearings on proposed rules are held at least annually and reasonable notice of same is given in the Connecticut Law Journal.

[Const., Art. 2, Art. 15, §1; C.G.S.A. §51-197c]

Intermediate Appellate Court

2.1 APPELLATE SESSIONS OF THE SUPERIOR COURT. The Chief Court Administrator designates the number of Appellate Sessions and their location. Only one session has been established, and it sits at Hartford throughout the year (except May, July, August, and September).

[C.G.S.A. §51-197c]

2.2 Organization. Each session consists of a panel of three judges and two alternate judges. The court has statewide jurisdiction.

[C.G.S.A. §51-197c]

2.3 Jurisdiction

a. The Appellate Sessions have no original jurisdiction.

b. The Appellate Sessions have jurisdiction over appeals from any final judgment or action in the following matters:

(1) Any criminal action charging nonsupport of a minor child or children.

(2) Any criminal action wherein the maximum potential punishment may be a fine of not more than $5,000 and/or imprisonment of not more than 5 years and the fine imposed is $1,000 or less and/ or a sentence of 1 year or less.

(3) Any violation of an ordinance, regulation, or bylaw of a political subdivision of the state.

(4) Any civil action for legal or equitable relief, in which the amount in controversy is less than $7,500.

(5) Any summary process proceeding relating to a landlord-tenant matter.

(6) Any paternity or support proceeding.

(7) Any proceeding relating to uniform reciprocal enforcement of support.

(8) Any violation of the laws relating to motor vehicles; except any action where punishment is also imposed on any other count charging (1) a capital felony, (2) an unclassified felony punishable by a fine of more than $5,000 or imprisonment for more than 5 years or both, (3) a Class A, Class B, or Class C felony or a Class D felony where punishment is imposed in excess of $1,000 or in excess of 1 year.

[C.G.S.A. §51-197d; Chief Court Administrator]

2.4 Judges (3)

a. Unless otherwise provided by the Chief Court Administrator, the judge senior in length of judicial service is designated the presiding judge. The presiding judge is designated for each session, and serves for the full session.

b. Appellate Sessions judges must be members of the state bar and are not permitted to practice law.

c. The Chief Court Administrator appoints Superior Court judges to the panels of the Appellate Sessions. During their service on the panels, the judges are excused from their trial court duties. Judges of the Appellate Sessions serve at the pleasure of the Chief Court Administrator.

[C.G.S.A. §§51-47, 51-197c]

2.5 Administration

a. The presiding judge has no specifically articulated administrative duties.

b. There is no provision for an administrator for the Appellate Sessions. Reference Section 5.2.b (state-level administrator).

c. By rule, Connecticut Practice Book §1066, the chief clerk of the Supreme Court serves as clerk of the Appellate Session.

[Connecticut Practice Book §1066]

2.6 Rule-making. The judges of the Superior Court may establish rules of procedure for the speedy and inexpensive hearing of appeals brought to the Appellate Sessions. Administrative rules for the sessions may be promulgated by the judges of the Superior Court or by the executive secretary (reference Section 5.2.c) under the supervision of the Chief Court Administrator (reference Section 5.2.a).

[C.G.S.A. §§51-9, 51-197c]

Court of General Jurisdiction

3.1 SUPERIOR COURT. The Superior Court sits in continuous session at such times as provided by law or as fixed and determined by the Chief Court Administrator.

[C.G.S.A. §51-181]

3.2 Organization. The state has been divided into 11 judicial districts. The Superior Court is divided by court rule into civil, criminal, and family divisions.

[C.G.S.A. §§51-181, 51-182, 51-185, 51-308, 51-331, 51-344]

3.3 Jurisdiction

a. The Superior Court is the sole court of original jurisdiction for all causes of action, except such actions over which the Probate Court has original jurisdiction, as provided by statute. Domestic relations and juvenile matters are heard in the family division.

b. The Superior Court hears appeals from the Probate Court and from administrative decisions of officers and agencies of the state or its political subdivisions.

[C.G.S.A. §§45-288, 51-164s, 51-197b]

3.4 Judges (110). In addition, there are provisions for an unlimited number of senior judges who are retired, between the ages of 65 and 70, and working part time, but with full authority. Eleven senior judges are currently serving.

a. There is no provision for a chief judge over all the Superior Court. The Chief Court Administrator appoints administrative judges for each of the state's 11 judicial districts and a chief administrative judge for the divisions (Criminal, Civil, and Family).

b. Superior Court judges must be members of the state bar and are not permitted to practice law.

c. Superior Court judges are nominated by the Governor and appointed by the General Assembly for 8-year terms. The Chief Court Administrator assigns judges to the divisions or part thereof.

[Const., Art. 5, §2; C.G.S.A. §§51-47, 51-164t; Chief Court Administrator]

3.5. Administration

a. The position of chief judge was repealed as of July 1, 1978. The Chief Court Administrator, as part of his general authority, appoints administrative judges for each of the state's 11 judicial districts. The administrative judges are responsible for:

1. Discussing administrative matters with the Chief Court Administrator, chief administrative judges, presiding judge(s) and assigned judges.
2. Serving as liaison of the Chief Court Administrator with the presiding judge(s) and assigned judges in order to implement policy established by rule of court, the Chief Court Administrator, or vote of the judges.
3. Assuming, personally, any assignment within the judicial district of assignment, notwithstanding his primary assignment, giving timely notice thereof, however, to the Office of the Chief Court Administrator.
4. Reassigning for the day, a judge who concludes his primary assignment prior to 5 p.m.
5. In the event of a storm, an emergency, or the inability of a judge to assume his assignment, assigning any judge assigned within the judicial district to any geographical area courthouse for the purpose of presiding over arraignments, fixing or reviewing bail, and conducting any other necessary court business, or to a courthouse for juvenile matters to conduct necessary court business, giving simultaneous notice, or, if that is not possible, going prompt notice of the assignment to the Office of the Chief Court Administrator.
6. Subject to the prior approval of the Chief Court Administrator, determining the courthouse(s) to which jurors shall be initially summoned within the judicial district.
7. When feasible or necessary, ordering that the trial of any case, jury or nonjury, be held in any courthouse within the judicial district.
8. Apportioning administrative appeals and small claims matters as equally as possible among all the judges, taking into consideration the particular expertise of an individual judge.

b. There is no provision for an administrator of the Superior Court. Reference Section 5.2.b (state-level administrator).

c. Superior Court clerk positions are authorized by statute. Positions are filled annually by the Superior Court judges at their June meeting. There are no formal provisions for assigning administrative duties to the clerks.

[C.G.S.A. §§51-1b, 51-51v]

3.6. Rule-making. The judges of the Superior Court, acting as a body, may adopt and promulgate, and may from time to time modify or repeal rules and forms regulating pleading, practice, and procedure in judicial proceedings. As part of the unified court system, many administrative procedures for the Superior Court are prescribed by the Chief Court Administrator.

[C.G.S.A. §§51-9, 51-14]

Court of Limited or Special Jurisdiction

4.1 PROBATE COURT. Probate Court terms differ from district to district. Some are open regular busi-

ness hours while others open by appointment only.
[Probate Court Administrator]

4.2 Organization. The state has been divided by statute into 130 probate districts, each of which consists of between 1 and 6 towns. There are no specialized divisions of the court.
[C.G.S.A. §45-1]

4.3 Jurisdiction

a. The Probate Court has power to admit wills to probate and grant administration of intestate estates. In addition to jurisdiction over decedents' estates, the court has jurisdiction over termination of parental rights, adoptions, and guardianships; commitment of mentally ill adults; commitment of mentally ill children; conservatorships; fiduciary accounts; sterilization; and guardianship and placement of the mentally retarded.

b. The Probate Court has no appellate jurisdiction.
[C.G.S.A. §§17-176 *et. seq.*, 45-4, 45-42 *et. seq.*, 45-61e, 45-70 *et. seq.*, 45-78a *et. seq.*, 45-268; Public Acts (hereinafter P.A.) 79-511, 79-543, 79-583]

4.4 Judges (130). The constitution specifies that each probate district have one judge.

a. The Probate Court does not have presiding judges.

b. Probate Court judges must be voters of towns within their probate districts.

c. Probate Court judges are elected to 4-year terms by the voters of their respective districts.
[Const., Art. 5, §4; C.G.S.A. §45-6]

4.5 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. A Probate Court administrator over all the probate districts is authorized by statute. He is appointed by the Chief Justice. A person appointed to the position must be a Probate Court judge. If his judicial term expires after appointment, he may continue to serve as administrator at the pleasure of the Chief Justice. The administrator must devote full-time to his duties and cannot engage in the practice of law.

The administrator regularly reviews the auditing, accounting, statistical, billing, recording, filing, and other procedures of the Probate Court. He or his authorized designee is required to visit and examine records and files of each Probate Court at least once every even numbered year. He is empowered to issue administrative rules and regulations. The administrator files an annual report with the Chief Court Administrator by April 1 of each year, and he submits proposed rules of practice and procedure in the Probate Court to the Supreme Court.

c. Each Probate Court judge may appoint a clerk and as many assistant clerks as he deems necessary. Such clerks are not deemed state employees and they serve at the pleasure of the judge. There are no formal provisions for assigning administrative duties to the clerk.
[C.G.S.A. §§45-3a, 45-4c to 45-4f, 45-5]

4.6 Rule-making. The Supreme Court promulgates uniform rules of practice and procedure for the Probate Court. Such rules are recommended to the court for adoption by the Probate Court administrator.
[C.G.S.A. §45-4f]

State-Level Administration

5.1 General administrative authority. Statutes designate the Chief Justice as the head of the Judicial Department. He appoints the Chief Court Administrator. Reference Section 1.5.a. Under the supervision and direction of the Chief Court Administrator, the executive secretary examines the administrative methods and systems employed in the Judicial Department and each of its constituent courts. The executive secretary also develops and implements programs for the improvement thereof and for securing uniform administration and procedures.
[C.G.S.A. §51-1b, 51-9]

5.2 Office of the Chief Court Administrator

a. The Office of the Chief Court Administrator is authorized by Connecticut General Statutes §51-8 (1979).

b. Chief Court Administrator

(1) The Chief Court Administrator's position is authorized by statute. The current incumbent was previously Chief Judge of the Superior Court.

(2) The Chief Court Administrator is appointed by and serves at the pleasure of the Chief Justice.

(3) The Chief Court Administrator is the administrative director of the Judicial Department. He may issue orders, require reports, and appoint judges to such positions as he deems necessary to carry out his responsibilities. He may assign and reassign judicial and nonjudicial personnel as the efficient administration of justice requires. As required, he may also transfer causes from one court or district to another. He appoints an executive secretary who serves at his pleasure.

c. Office organization. The Chief Court Administrator appoints the executive secretary, who must be a member of the state bar. The Office of the Chief Court Administrator consists of 95 people: 51 professionals (including the Chief Court Administrator) and 44 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, and field representation; court reporting, court coordination, other court services, and facilities management; payroll, accounting, auditing, and purchasing; education, personnel systems, and office management; and planning and research activities including statistical compilation, judicial planning, legal services, and legislative drafting.
[C.G.S.A. §§51-1b, 51-8 (1979), 51-9 (1979); 51-304, 51-332, 51-347a, 51-347b; P.A. 78-280, Sections 122, 123; Chief Court Administrator]

Quasi-Judicial Officers

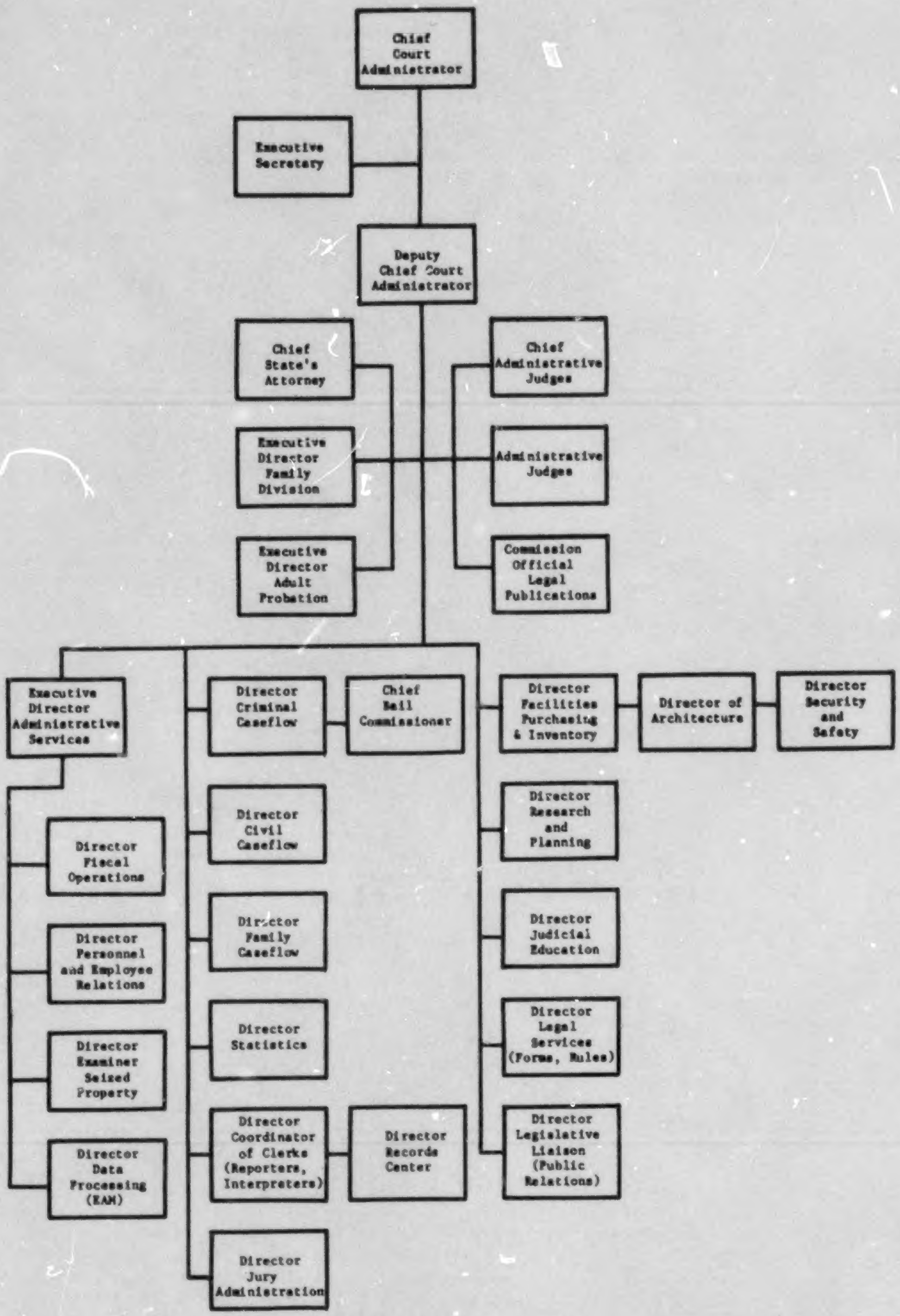
6.1.1 SUPERIOR COURT

6.2.1 Senior judge and state referee

a. Judges who retire prior to age 70 are designated as senior judges. Supreme and Superior Court judges who retire at age 70 and senior judges upon attaining age 70 are designated state referees for the remainder of their lives. The Chief Justice is empowered to appoint as many state referees as he deems necessary from among the qualified members of the state bar.

b. Senior judges and state referees possess the full authority of regular judges in the cases assigned to them.

Figure 2: Connecticut state-level administrative office of the courts, 1980


Chief Court Administrator
Executive Secretary
Deputy Chief Court Administrator
Chief State's Attorney
Executive Director Family Division
Executive Director Adult Probation
Chief Administrative Judges
Administrative Judges
Commission Official Legal Publications
Executive Director Administrative Services
Director Fiscal Operations
Director Personnel and Employee Relations
Director Examiner Seized Property
Director Data Processing (EAM)
Director Criminal Caseflow
Chief Bail Commissioner
Director Civil Caseflow
Director Family Caseflow
Director Statistics
Director Coordinator of Clerks (Reporters, Interpreters)
Director Records Center
Director Jury Administration
Director Facilities Purchasing & Inventory
Director of Architecture
Director Security and Safety
Director Research and Planning
Director Judicial Education
Director Legal Services (Forms, Rules)
Director Legislative Liaison (Public Relations)

[Const., Art. 5, §6; C.G.S.A. §51-50c to §51-501, §§52-434, 52-434a]

6.1.2 SUPERIOR COURT

6.2.2 Commissioner

a. All members of the state bar, while in good standing, are designated as commissioners of the Superior Court. Those commissioners with at least 2 years of law experience can volunteer for small claims duty. If approved by the Chief Court Administrator, their names are placed on the Superior Court list. Names are chosen from this list on a rotating basis to hear small claims matters. Compensation is not provided for small claims duty.

b. Commissioners can sign writs and subpoenas, take recognizances, administer oaths, and take depositions and acknowledge deeds. They may issue subpoenas to compel the attendance of witnesses and subpoenas duces tecum in administrative proceedings.

[C.G.S.A. §§51-85, 52-549a to 52-549d]

Judicial Discipline

7.1.1 Judicial Review Council. The council consists of three Superior Court judges, three lawyers, and three nonlawyers. The judges are selected by their peers, while the remaining members are appointed by the Governor with the approval of the General Assembly.

[C.G.S.A. §§51-51l, 51-51u (1979)]

7.2.1 Authority and procedure for sanction. The council has the authority to investigate all complaints against judges of the Supreme and Superior Courts. After its investigation, the council can conduct a private hearing concerning the matter. If found guilty, the judge can be privately or publicly censured by the council, or it can suspend him for a definite period of time up to 1 year. If deemed appropriate, the council may refer the matter to the Supreme Court with recommendation that the judge be suspended for longer than 1 year or that he be removed from office. Judges may also be retired for disability by the council either on its own motion or at the request of the judge.

[C.G.S.A. §51-49, 51-51k, 51-51u (1979)]

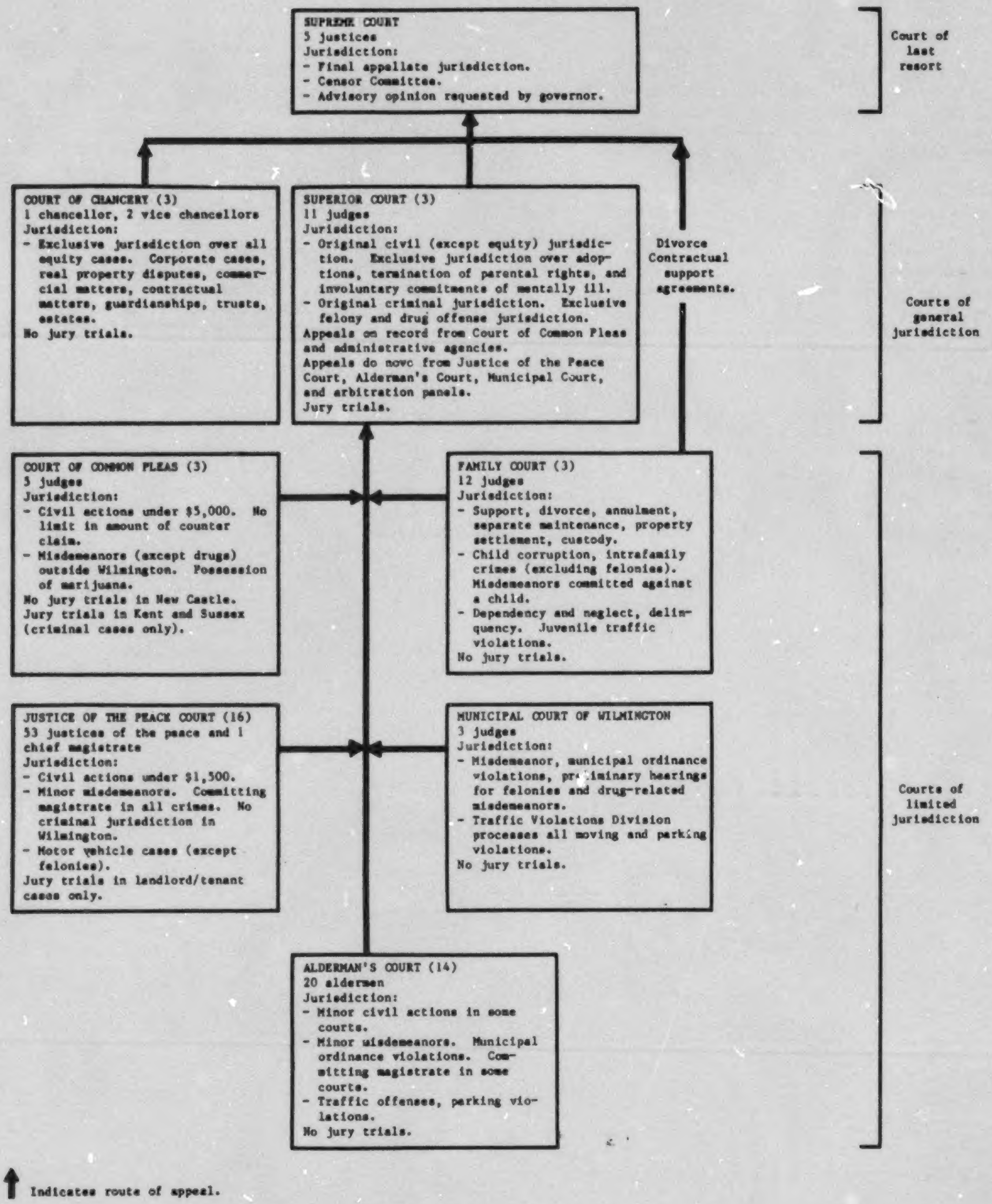
7.1.2 Council on Probate Judicial Conduct. The council consists of one probate judge, elected by his peers; one state referee, appointed by the Chief Justice, one attorney with at least 5 years of experience, and two nonlawyers appointed by the Governor.

[C.G.S.A. §45-11d]

7.2.2 Authority and procedure for sanction. After investigating a complaint, the council can conduct a private hearing. Upon conclusion of the hearing and if warranted, the council may privately reprimand or publicly censure the judge. In very serious cases, the council can recommend to the House of Representatives the institution of impeachment proceedings.

[C.G.S.A. §45-11g]

Figure 1: Delaware court system, 1980


Court of last resort
Courts of general jurisdiction
Courts of limited jurisdiction
Divorce
Contractual
support
agreements.

SUPREME COURT
5 justices
Jurisdiction:
- Final appellate jurisdiction.
- Censor Committee.
- Advisory opinion requested by governor.

COURT OF CHANCERY (3)
1 chancellor, 2 vice chancellors
Jurisdiction:
- Exclusive jurisdiction over all equity cases. Corporate cases, real property disputes, commercial matters, contractual matters, guardianships, trusts, estates.

No jury trials.

SUPERIOR COURT (3)
11 judges
Jurisdiction:
- Original civil (except equity) jurisdiction. Exclusive jurisdiction over adoptions, termination of parental rights, and involuntary commitments of mentally ill.
- Original criminal jurisdiction. Exclusive felony and drug offense jurisdiction.

Appeals on record from Court of Common Pleas and administrative agencies.
Appeals do novo from Justice of the Peace Court, Alderman's Court, Municipal Court, and arbitration panels.
Jury trials.

COURT OF COMMON PLEAS (3)
5 judges
Jurisdiction:
- Civil actions under $5,000. No limit in amount of counter claim.
- Misdemeanors (except drugs) outside Wilmington. Possession of marijuana.

No jury trials in New Castle.
Jury trials in Kent and Sussex (criminal cases only).

FAMILY COURT (3)
12 judges
Jurisdiction:
- Support, divorce, annulment, separate maintenance, property settlement, custody.
- Child corruption, intrafamily crimes (excluding felonies). Misdemeanors committed against a child.
- Dependency and neglect, delinquency. Juvenile traffic violations.

No jury trials.

JUSTICE OF THE PEACE COURT (16)
53 justices of the peace and 1 chief magistrate
Jurisdiction:
- Civil actions under $1,500.
- Minor misdemeanors. Committing magistrate in all crimes. No criminal jurisdiction in Wilmington.
- Motor vehicle cases (except felonies).

Jury trials in landlord/tenant cases only.

MUNICIPAL COURT OF WILMINGTON
3 judges
Jurisdiction:
- Misdemeanor, municipal ordinance violations, preliminary hearings for felonies and drug-related misdemeanors.
- Traffic Violations Division processes all moving and parking violations.

No jury trials.

ALDERMAN'S COURT (14)
20 aldermen
Jurisdiction:
- Minor civil actions in some courts.
- Minor misdemeanors. Municipal ordinance violations. Committing magistrate in some courts.
- Traffic offenses, parking violations.

No jury trials.

↑ Indicates route of appeal.

DELAWARE

Court of Last Resort

1.1 SUPREME COURT. The Delaware Supreme Court sits at Dover. There is one fixed term of court, which coincides with the calendar year.

[Title 10, Delaware Code (hereinafter Del. C.) Annotated, Revised 1974, Section 101; Supreme Court Rules, Rule 2]

1.2 Organization. The Supreme Court normally sits in panels of three justices. Panels are assigned by the Chief Justice. The court sits en banc in capital cases, in cases where the three-justice panel was not unanimous in its decision, and in other such cases as may be determined by the Supreme Court or the General Assembly.

[Constitution, Article IV, Section 12; Supreme Court Rule 4]

1.3 Jurisdiction

a. The Supreme Court may issue writs of prohibition, quo warranto, certiorari, and mandamus to any court. The court may also determine questions of law certified to it by other courts. When requested by the Governor, the Supreme Court renders opinions regarding the constitutionality of any law or any question involving the federal or state constitution.

b. The Supreme Court has appellate jurisdiction in criminal cases in which the sentence is death, imprisonment exceeding 1 month, or fine exceeding $100, and in civil cases appealed from the Superior Court. The court also has jurisdiction in appeals from the Court of Chancery.

[10 Del. C. §§11, 141]

1.4 Justices (5)

a. The Chief Justice is selected in the same manner as the other justices, but is designated Chief Justice upon appointment. He serves his entire term in this role. Reference Section 1.4.c below.

b. Supreme Court justices must be lawyers and residents of the state.

c. Supreme Court justices are appointed by the Governor with the consent of the Senate. All justices of the Supreme Court serve 12-year terms and may be reappointed.

[Const. Art. VI, §§2, 3]

1.5 Administration

a. The Chief Justice is the administrative head of all courts in the state. He exercises administration and supervision over the entire court system through the Director of the Administrative Office of the Courts, the chancellor of the Court of Chancery, the president judge of the Superior Court, and chief judges of the limited jurisdiction courts. He has no specific administrative duties with regard to the Supreme Court. Reference Section 5.1 (General administrative authority).

b. There is no provision for an administrator for the Supreme Court. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by the court and serves at the pleasure of the court. There are no formal provisions for assigning administrative duties to the clerk. He supervises all clerical personnel in the office.

[Const., Art. VI, §27; 10 Del. C. §121]

1.6 Rule-making. The Supreme Court promulgates rules regulating practice and procedure in the court. When Supreme Court rules have taken effect, they supersede any statutory provisions that may conflict. The Supreme Court may adopt rules for the administration of justice and the conduct of business for any or all of the courts of the state.

[Const., Art. IV, §13; 10 Del. C. §161]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Delaware.

Courts of General Jurisdiction

3.1.1 COURT OF CHANCERY. The term of court coincides with the calendar year.

[10 Del. C. §302]

3.2.1 Organization. Court is held in each of the state's three counties. A Public Guardian is appointed by the court to be the guardian of the aged, mentally infirm, physically incapacitated, and minors.

[Del. C. §301; The 1976 Annual Report of the Delaware Judiciary (hereinafter 1976 Annual Report), p. 30]

3.3.1 Jurisdiction

a. The Court of Chancery has jurisdiction to hear and determine all matters in equity. The Court of Chancery has no jurisdiction in matters where the cause may be determined by common law or statute. Litigation in the Court of Chancery consists of corporate matters, petitions concerning trusts or estates, disputes involving real property, and commercial and contractual matters. The Public Guardian may have care of a minor's person or property or both, depending on the court. The Public Guardian receives all debts and income of his ward, and squares up his accounts. He can sell his ward's property if necessary; and he is allowed to sue for or defend his ward.

b. The Court of Chancery has no appellate jurisdiction.

[10 Del. C. §§341, 342; 12 Del. C. §3921; 1976 Annual Report, p. 29]

3.4.1 Judges (1 chancellor, 2 vice chancellors)

a. The chancellor is appointed in the same manner as the vice-chancellors, but is designated chancellor upon appointment. Reference Section 3.4.1.c below.

b. Chancellors and vice-chancellors must be lawyers and residents of the state. No more than two of them may be members of the same major political party.

c. Chancellors and vice-chancellors are appointed by the Governor with the consent of the Senate. The chancellor and vice-chancellors serve 12-year terms.

[Const., Art. IV, §§2, 3]

3.5.1 Administration

a. The chancellor appoints clerical personnel as necessary for the court. There are no other formal provisions for granting administrative authority to the chancellor.

b. There is no provision for an administrator for the Court of Chancery. The Director of the Administrative Office of the Courts serves as Chancery Court administrator. Reference Section 5.2.b (state-level administrator).

c. The register in chancery and the register of wills in each county serve as the clerks of the Chancery Court in that county. Registers are elected to 4-year terms by the voters of the counties in which they serve. There are no statutory provisions or rules assigning administrative duties to the registers. They supervise all clerical personnel in their office.

[10 Del. C. §§32, 322-327]

3.6.1 Rule-making. The Court of Chancery is empowered to promulgate rules governing practice and procedure in the court. Once adopted, the rules supersede any statutory provisions that may conflict. Administrative rule-making procedures are the same as for the Supreme Court. Reference Section 1.6.

[10 Del. C. §361]

3.1.2 SUPERIOR COURT. There are four terms of court beginning on the second Monday in September, first Monday in December, first Monday in March, and first Monday in June.

[Superior Court Criminal Rule 56(a) and Superior Court Civil Rule 77(b)]

3.2.2 Organization. Superior Court is held in each of the state's three counties. There are no specialized divisions of the Superior Court.

[10 Del. C. §501]

3.3.2 Jurisdiction

a. The Superior Court has exclusive jurisdiction in felony cases except those involving juveniles. The court has jurisdiction in all civil cases at common law. It also has jurisdiction over the termination of parental rights and adoptions.

b. The Superior Court has appellate jurisdiction over cases at law from the Court of Common Pleas and varied administrative agencies. Cases from the Alderman's Court, Justice of the Peace Court, and the Municipal Court are heard de novo in the Superior Court.

[Const., Art. VI, §7; 1976 Annual Report, p. 53]

3.4.2 Judges (11)

a. The president judge over all the Superior Courts is selected in the same manner as Superior Court associate judges but is designated president judge upon appointment. Reference Section 3.4.2.c below. The Superior Court does not have presiding judges for the individual counties.

b. Superior Court judges (the president judge and associate judges) must be lawyers and at least one associate judge must reside in each of the state's three counties. If there is an uneven number of judges, not more than a bare majority may be of the same major political party.

c. Superior Court judges (the presiding judge and associate judges) are appointed by the Governor, with the consent of the Senate. They serve 12-year terms.

[Const., Art. IV, §§2, 3]

3.5.2 Administration

a. There are no constitutional or statutory provisions for assigning administrative responsibilities to the president judge. There are no provisions for presiding judges for the individual courts.

b. The position of Superior Court Administrator is authorized in the state's budget bill each year. The administrator is chosen by the judges of the Superior Court and qualifications for the position are set by them.

c. The prothonotary of each county serves as Superior Court clerk in that county. Prothonotaries are elected by the counties in which they serve for 4-year terms. There are no formal provisions for assigning administrative duties to the prothonotary. He supervises all clerical personnel in the office.

[Const., Art. III, §322; Const., Art. IV, §26; 10 Del. C. §521]

3.6.2 Rule-making. Procedures for administrative rule-making are the same as for the Supreme Court. Reference Section 1.6. The Superior Court is empowered to make rules governing civil practice and procedure in the court. These rules supersede any statutory regulations that may conflict.

[10 Del. C. §561]

Courts of Limited or Special Jurisdiction

4.1.1 FAMILY COURT. The Family Court sits in continuous session.

[Manager, Planning and Research]

4.2.1 Organization. The court sits in each of the state's three counties. There are no formal statutory provisions for administrative divisions.

4.3.1 Jurisdiction

a. The Family Court has exclusive criminal jurisdiction in cases concerning abuse, abandonment, or any misdemeanor committed against a child. Any nonfelonious act committed by family members upon other family members is within the jurisdiction of the court. The court has exclusive original civil jurisdiction concerning any child who is alleged to be dependent, neglected, or delinquent. The Family Court has general juvenile jurisdiction. It also has jurisdiction in divorce and annulment petitions.

b. The Family Court has no appellate jurisdiction.

[10 Del. C. §§921, 922]

4.4.1 Judges (12)

a. The chief judge of the Family Court is selected in the same manner as the other Family Court judges but is designated chief judge upon his appointment. Reference Section 4.4.1.c below.

b. Family Court judges must be lawyers who have practiced law for 5 years in the state. They are selected on the basis of their experience with family and child problems.

c. Family Court judges are appointed by the Governor by and with the consent of the Senate. They serve 12-year terms.

[10 Del. C. §906]

4.5.1 Administration

a. The chief judge is the executive officer of the Family Court, and is responsible for assignment of judges, preparation of court budget, and payment of court expenses. He also is responsible for appointing two associate judges of the Family Court to serve on the Judicial Council of the Family Court (reference Table 29: Judicial councils and conferences). There are no provisions for presiding judges for the individual courts.

b. The Family Court's administrator is no known as the Director of Court Operations.

c. The chief judge appoints a clerk in each county. There are no formal provisions for assigning administrative duties to the clerks. They supervise all clerical personnel in the office.

[10 Del. C. §§908, 909, 912; 1980 Annual Report]

4.6.1 Rule-making. The judges of the Family Court may promulgate rules of practice and procedure for the court. Administrative rule-making procedures are the same as for the Supreme Court. Reference Section 1.6.

[Const., Art. IV, §13]

4.1.2 COURT OF COMMON PLEAS. The court meets in continuous session.

[Court of Common Pleas Criminal Rule #56(a)]

4.2.2 Organization. The court is held in each of the state's three counties. There are no specialized divisions of the court.

[10 Del. C. §1305]

4.3.2 Jurisdiction

a. The Court of Common Pleas has jurisdiction outside the city of Wilmington in all misdemeanors except drug-related offenses. The court has jurisdiction in civil matters where the amount in controversy does not exceed $5,000. It also has jurisdiction over possession of marijuana.

b. The Court of Common Pleas has no appellate jurisdiction.

[10 Del. C. §§1314, 4777; 1976 Annual Report, p. 125]

4.4.2 Judges (5)

a. The judge with seniority in service is designated chief judge over all the Courts of Common Pleas. There are no provisions for presiding judges for the individual counties.

b. Court of Common Pleas judges must be lawyers who have practiced law for 5 years prior to appointment and must fulfill various residency requirements.

c. Court of Common Pleas judges are appointed by the Governor, with the consent of the Senate. They serve 12-year terms.

[10 Del. C. §§1302, 1303]

4.5.2 Administration

a. The chief judge over all the Courts of Common Pleas is the administrative head of the Court of Common Pleas. He appoints the clerk of the court and deputy clerks. There are no provisions for presiding judges for the individual counties.

b. The position of Court of Common Pleas administrator is authorized by the state budget bill each year. The administrator is appointed by the chief judge and is responsible to the chief judge for the administration of all nonjudicial activity of the court.

c. The chief judge appoints a clerk of the court who serves all three counties and a deputy clerk for each county. The clerk is responsible for the care of records and proceedings; receives all fees, fines, and costs; administers oaths and issues commitments; issues process; and other administrative duties that may be assigned to him. In practice, the administrator position and the clerk of court position are identical.

[10 Del. C. §1302, 1309; Director of Planning]

4.6.2 Rule-making. The judges of the court may promulgate general rules of practice and procedure for the court. Administrative rule-making procedures are the same as for the Supreme Court. Reference Section 1.6.

[10 Del. C. §1307]

4.1.3 MUNICIPAL COURT OF WILMINGTON. New terms of court commence each month.

[10 Del. C. §1703]

4.2.3 Organization. The court has jurisdiction within the geographical boundaries of Wilmington. The court has a Violations Division that processes all moving and parking violations citations.

[10 Del. c. §1702; 1976 Annual Report, p. 137]

4.3.3 Jurisdiction

a. The Municipal Court of Wilmington conducts preliminary hearings for felonies and drug-related misdemeanors. The court has criminal jurisdiction within the geographical boundaries of Wilmington in cases involving misdemeanors, traffic violations and municipal ordinance violations.

b. The Municipal Court of Wilmington has no appellate jurisdiction.

[1976 Annual Report, p. 137]

4.4.3 Judges (3)

a. The chief judge is selected in the same manner as the other judges of the Municipal Court of Wilmington and is designated chief judge for his term.

b. Municipal Court judges must be lawyers who have practiced law for 5 years prior to appointment.

c. Municipal Court judges are appointed by the Governor by and with the consent of the Senate. They serve 12-year terms.

[10 Del. C. §1702]

4.5.3 Administration

a. The chief judge is the chief administrative officer of the court. He is responsible for appointing the clerk.

b. There is no provision for an administrator for the Municipal Court of Wilmington. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the chief judge and serves at his pleasure. There are no provisions for assigning administrative duties to the clerk. He supervises clerical personnel in the office.

[10 Del. C. §§1702, 1721]

4.6.3 Rule-making. The court may establish local rules of practice and procedure subject to the rule-making powers of the Supreme Court. Administrative rule-making procedures are the same as in the Supreme Court. Reference Section 1.6.

[Const., Art. IV, §13]

4.1.4 JUSTICE OF THE PEACE COURT. At least one justice of the peace must be available at all times in each county.

[10 Del. C. §9205]

4.2.4 Organization. Sessions of the court are held throughout the state. There are 16 Justice of the Peace Courts at present. There are no specialized divisions of the court.

[10 Del. C. §9204; 1980 Annual Report, p. 147]

4.3.4 Jurisdiction

a. The Justice of the Peace Court has limited criminal jurisdiction in minor misdemeanor cases and in nonfelonious motor vehicle cases. In the city of Wilmington, the court has no criminal jurisdiction. The court has jurisdiction in civil cases where the amount in dispute is less than $1,500. The Justice of the Peace Court is not a court of record.

b. The Justice of the Peace Court has no appellate jurisdiction.

[10 Del. C. §9301; 1976 Annual Report, p. 147]

4.4.4 Judges (53 justices of the peace and 1 chief magistrate)

a. Four justices of the peace (one in each of two counties and two in the other county) are designated as chief by administrative directive of the chief magistrate.

b. Justices of the peace must be residents of the counties in which they serve and must be at least 21 years old.

c. Justices of the peace are appointed by the Governor with the consent of the Senate. They serve 4-year terms.

[Const., Art. IV, §30; 1976 Annual Report, p. 147; 1980 Annual Report]

4.5.4 Administration

a. The Chief Magistrate is the administrative head of the Justice of the Peace Courts.

b. The position of administrator is authorized by the state budget bill each year.

c. A chief clerk for each Justice of the Peace Court is appointed by the Chief Justice. They supervise all clerical personnel in the office. There are no provisions for assigning administrative duties to the chief clerks.

[10 Del. C. §§126, 127, 9220, 9230, 9231; 10 Del. C. Ann. §9202; Director of Planning]

4.6.4 Rule-making. The Justice of the Peace Court may establish local rules of practice and procedure subject to the rule-making powers of the Supreme Court. Administrative rule-making procedures are the same as for the Supreme Court. Reference Section 1.6.

[Const., Art. IV, §13]

4.1.5 ALDERMAN'S COURT. The Alderman's Court sits in continuous session.

[Manager, Planning and Research]

4.2.5 Organization. Alderman's Courts are authorized by town charters and have jurisdiction within the town limits.

4.3.5 Jurisdiction

a. Jurisdiction is limited to minor misdemeanors, traffic offenses, and parking violations. Some Alderman's Courts handle civil cases. Alderman's Courts are not courts of record.

b. The Alderman's Court has no appellate jurisdiction.

[1976 Annual Report, p. 173]

4.4.5 Judges (20)

a. The Chief Justice, by administrative directive, appoints one chief alderman and one deputy chief alderman.

b. Alderman's Court judges are generally required to be at least 18 years old and must fulfill some residency requirement, according to qualifications locally established.

c. Alderman's Court judges are selected in a manner prescribed by city charter.

[Director of Planning]

4.5.5 Administration

a. The Chief Justice, by administrative directive, appoints a chief alderman and a deputy chief alderman. No formal administrative duties have been set by the Chief Justice for these two positions.

b. There is no provision for an administrator for the Alderman's Courts. Reference Section 5.2.b (state-level administrator).

c. There are no statutory provisions for clerks in the Alderman's Courts. Towns may hire clerks if they desire.

[Director of Planning]

4.6.5 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice is the administrative head of all courts in the state and has general administrative and supervisory powers over all the courts. Reference Section 1.5.a.

5.2 Administrative Office of the Courts

a. The office is authorized by statute.

b. Director of the Administrative Office of the Courts

(1) The position of director is authorized by statute.

(2) There are no formal established qualifications for the position of director.

(3) The responsibilities of the Director include appointing appropriate Administrative Office of the Courts personnel, assisting the Chief Justice in administrative matters, and supervising the administrators of all state supported courts. The Director is responsible for budget preparation, collection of court statistics, and the presentation of the annual report on the courts. He is a liaison with agencies interested in court administration and assists in preparation of legislation involving the courts. The Director serves as secretary for the Judicial Conference (reference Table 29: Judicial councils and conferences).

c. Office organization. The Administrative Office of the Courts has a staff of 15; there are 8 professionals and 7 clerical staff members. The professional staff provides support services in the following areas: systems analysis, programming, and computer operations; personnel systems; and planning and research activities which include statistical compilation.

[Const., Art. IV, §13; 10 Del. C. §128; Supreme Court Rules, Rule 35; 1976 Annual Report, p. 11; 1980 Annual Report; Director of Planning]

Quasi-Judicial Officers

6.1.1 FAMILY COURT

6.2.1 Master

a. Masters are appointed by the chief judge of the Family Court.

b. Masters hear matters before the court and make orders regarding such matters. All judgments of masters are final unless a review de novo is requested.

[10 Del. C. §913]

6.1.2 MUNICIPAL COURT

6.2.2 Commissioners

a. Commissioners are appointed by the Governor and confirmed by the Senate.

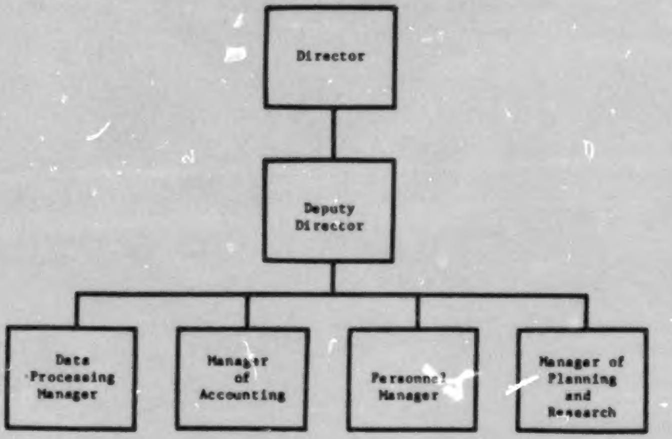
b. Commissioners are authorized to take complaints from individuals and make determinations of the validity of the complaints, issue warrants and summonses, and take applications for bail bond. In practice, commissioners exercise the same authority as magistrates, except that commissioners cannot try cases.

[Commissioner, Municipal Court]

Judicial Discipline

7.1 COURT ON THE JUDICIARY. The Court on the Judiciary consists of the Chief Justice, the associate justices of the Supreme Court, the chancellor

Figure 2: Delaware state-level administrative office of the courts, 1980


Director
Deputy Director
Data Processing Manager
Manager of Accounting
Personnel Manager
Manager of Planning and Research

of the Court of Chancery, and the president judge of the Superior Court.

[Const., Art. IV, §39]

7.2 Authority and procedure for sanction. The Court on the Judiciary may be convened by order of the Chief Justice to investigate charges against a judicial officer. The charged judicial officer must be served with a written statement of allegations and must be given an opportunity to be heard. It is necessary to have a two-thirds concurrence of the members of the Court on the Judiciary in order to censure, remove, or retire a judicial officer. All proceedings are private, except for final orders.

[Const., Art. IV, §37]

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FLORIDA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits at Tallahassee, the state capital. The court holds two terms each year beginning in January and July.

[Constitution, Article V, Section 3; Florida Statutes Annotated (hereinafter F.S.A.) §25.051]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court may issue (1) all writs necessary to the complete exercise of its jurisdiction; (2) writs of prohibition to lower tribunals in causes within the jurisdiction of the court to review; and (3) writs of mandamus and quo warranto to state officers and agencies. Also, any justice may issue writs of habeas corpus returnable before the Supreme Court or any justice, a District Court of Appeal or any judge thereof, or any Circuit Court judge.

b. The Supreme Court has jurisdiction over criminal and civil appeals and petitions for writs of certiorari from the District Court of Appeal, Circuit Court, County Court, agencies and commissions. The court reviews constitutional questions, capital cases in which the death penalty was imposed, bond validation, and cases of public interest.

[Const., Art. V, §3; Florida Rules of Appellate Procedure (hereinafter Fla. R. App. P.), Rule 9.030]

1.4 Justices (7)

a. The Chief Justice is chosen by a majority of the members of the court for a 2-year term.

b. Supreme Court justices must be voters of the state, must be less than 70 years of age, and must have been members of the Florida Bar for 10 years.

c. Supreme Court justices are appointed by the Governor from a list of three or more nominees provided by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). The term by appointment ends in January of the year following the next general election that occurs at least 1 year after the date of appointment. After the temporary term, justices must stand for election on a nonpartisan retention ballot for a full 6-year term.

[Const., Art. V, §§2, 8, 10, 11, 11(a)]

1.5 Administration

a. The Chief Justice is the chief administrative officer of the judicial system. He exercises administration and supervision over the entire court system through the State Courts Administrator, chief judges, and trial court administrators, known as executive assistants. Reference Section 5.1 (General administrative authority).

The Chief Justice is the administrative officer of the Supreme Court and is responsible for the dispatch of its business. He has the power to act on requests for stays during the pendency of proceedings, to order the consolidation of cases, to determine all procedural motions and petitions to file or extend the time for filing briefs and other papers provided for under the rules of the court, to advance or continue cases, and to rule on any other purely procedural matter relating to any proceeding or process in the court preparatory to a hearing or decision on the merits. The Chief Justice may also perform such other administrative duties as may be required and which are not otherwise provided for by law or rule.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by and serves at the pleasure of the court. He performs such duties as the court directs. The clerk has custody of books, records, and the seal, keeps the records of court proceedings, and receives fees for filing of appeals. The clerk also issues mandates.

[Const., Art. V, §§2(b), 3; F.S.A. §25.191; Florida Rules of Judicial Administration (hereinafter Fla. R. Jud. Admin.), Rule 2.030]

1.6 Rule-making. The Supreme Court has the authority to adopt rules for practice and procedure in all courts. The Supreme Court has promulgated court rules of procedure in all areas of criminal and civil jurisdiction, juvenile rules, traffic rules, and rules of judicial administration as well as rules for workmen's compensation, medical mediation, and transition. The Supreme Court is charged with establishing, by rule, uniform criteria for the determination of the need for additional judges, except Supreme Court justices; the necessity for decreasing the number of judges, and for increasing, decreasing, or redefining appellate districts and judicial circuits.

[Const., Art. V, §§2(a), 9; Florida Rules of Courts 1979]

Intermediate Appellate Court

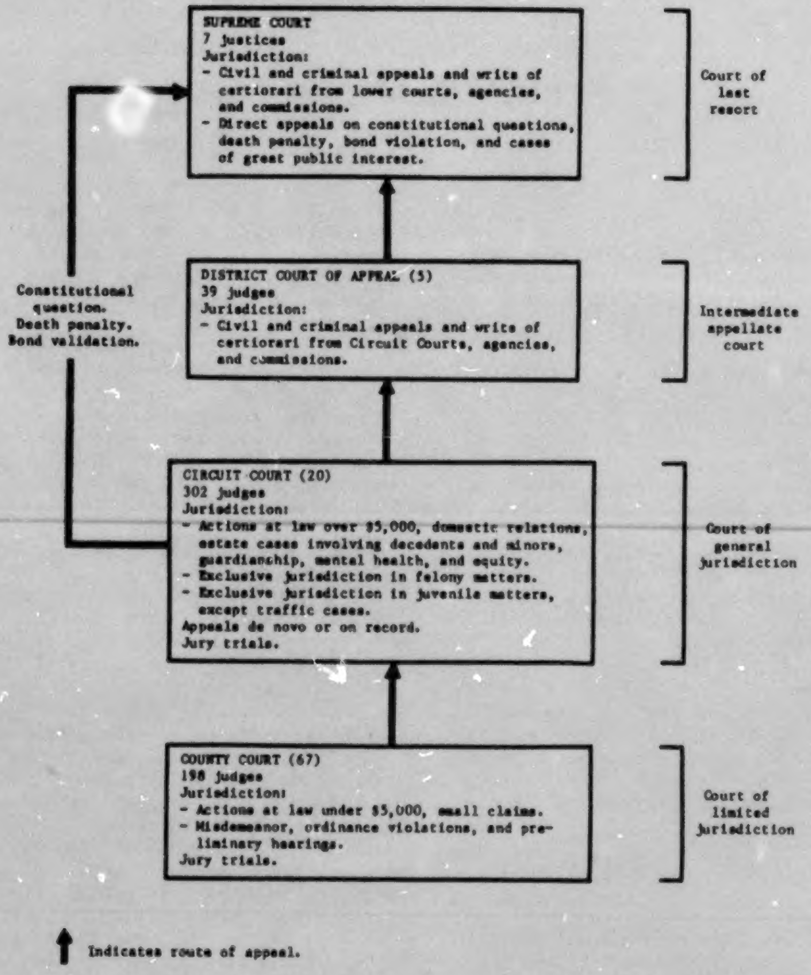
2.1 DISTRICT COURT OF APPEAL. The District Court of Appeal sits in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. The court holds two terms each year beginning on the second Tuesday in January and July.

[F.S.A. §§35.05, 35.10; State Courts Administrator]

2.2 Organization. The state is divided into five districts with one court in each district. The court sits in panels of three, with the concurrence of two necessary for a decision.

[Const., Art. V, §4; F.S.A. §35.05; State Courts Administrator]

Figure 1: Florida court system, 1980


Court of last resort
Intermediate appellate court
Court of general jurisdiction
Court of limited jurisdiction
Constitutional question. Death penalty. Bond validation.
Indicates route of appeal.

SUPREME COURT
7 justices
Jurisdiction:
- Civil and criminal appeals and writs of certiorari from lower courts, agencies, and commissions.
- Direct appeals on constitutional questions, death penalty, bond violation, and cases of great public interest.

DISTRICT COURT OF APPEAL (5)
39 judges
Jurisdiction:
- Civil and criminal appeals and writs of certiorari from Circuit Courts, agencies, and commissions.

CIRCUIT COURT (20)
302 judges
Jurisdiction:
- Actions at law over $5,000, domestic relations, estate cases involving decedents and minors, guardianship, mental health, and equity.
- Exclusive jurisdiction in felony matters.
- Exclusive jurisdiction in juvenile matters, except traffic cases.

Appeals de novo or on record.
Jury trials.

COUNTY COURT (67)
198 judges
Jurisdiction:
- Actions at law under $5,000, small claims.
- Misdemeanor, ordinance violations, and preliminary hearings.

Jury trials.

2.3 Jurisdiction

a. The District Court of Appeal may issue all writs necessary to the complete exercise of its jurisdiction.

b. The District Court of Appeal has jurisdiction to hear appeals taken as a matter of right over all criminal and civil matters from the Circuit Court, agencies, and commissions except in matters directly appealable to the Supreme Court. The courts may issue any necessary writs. All appeals from the deputy commissioners (workmen's compensation) go to the First District Court of Appeal.

The District Court of Appeal is a court of final appellate jurisdiction, except for a narrow classification of cases made reviewable by the Florida Supreme Court.

[Const., Art. V, §4; Chapters 79-40 and 79-312, Laws of Florida; State v. Hayes, App., 333 So. 2d 51 (1976)]

2.4 Judges (39)

a. A chief judge for each District Court of Appeal is chosen by a majority of the judges of the court. If there is no majority, the chief judge is chosen by the Chief Justice. The chief judge serves a 2-year term.

b. District Court of Appeal judges must be voters of the state, must be residents of the districts they serve, must be less than 70 years of age, and must have been members of the Florida bar for 10 years.

c. District Court of Appeal judges are chosen in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const., Art. V, §§2(c), 10(b); Fla. R. App. P., Rule 2.2.a(2)(a); State Courts Administrator]

2.5 Administration

a. The chief judge of each District Court of Appeal is responsible for the administrative supervision of the court. He may order the consolidation of cases and assign cases to the judges for preparation of opinions, orders, or judgments.

b. There is no provision for an administrator for the District Court of Appeal. Reference Section 5.2.b (state-level administrator).

c. Clerks are appointed by the District Courts of Appeal and perform duties set by the courts. The clerks of the District Courts of Appeal perform the same duties as the Supreme Court clerk. Reference 1.5.c.

[Const., Art. V, §§2, 4; F.S.A. §35.21; Fla. R. Jud. Admin., Rule 2.040]

2.6 Rule-making. The District Courts of Appeal can make rules and regulations for the internal government of the court, subject to the Supreme Court's power to make rules of practice and procedure. Reference Section 1.6.

[F.S.A. §35.07]

Court of General Jurisdiction

3.1 CIRCUIT COURT. Two terms are held in each county of the circuit at times prescribed by law. Special sessions may be scheduled.

[F.S.A. §26.21 to §26.365]

3.2 Organization. Florida is divided into 20 judicial circuits, made up of from 1 to 7 counties. Metropolitan centers are constituted as a single circuit to include all counties within the metropolitan area. Circuit Courts may be divided into specialized divisions by local court rules approved by the Supreme Court or by law.

[Const., Art. V, §§7, 20(10); F.S.A. §§26.01, 26.021; State Courts Administrator]

3.3 Jurisdiction

a. The Circuit Court has exclusive original jurisdiction over the following:

(1) All actions not triable by the County Court.

(2) All proceedings relating to the settlement of the estates of decedents and minors, guardianship, incompetency, and all other matters pertaining to probate.

(3) All cases relating to juveniles except traffic.

(4) All criminal cases.

(5) All cases involving the legality of any tax assessment or toll.

(6) The action of ejectment.

(7) All actions involving the title, boundaries, or right of possession of real property.

b. The Circuit Court has appellate jurisdiction over matters from the County Court except when they are directly appealable to the Supreme Court.

[F.S.A. §26.012]

3.4 Judges (302)

a. The Circuit Court does not have a chief judge over all the circuits. A chief judge is chosen in each circuit for a 2-year term by a majority of the Circuit Court and County Court judges or, if there is no majority, by the Chief Justice. Chief judges may designate administrative judges.

b. Circuit Court judges must be voters of the state, must reside in the territorial jurisdiction of their courts, must be less than 70 years of age, and must have been members of the Florida bar for 5 years.

c. Circuit Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const., Art. V, §8; Fla. R. Jud. Admin., Rule 2.050]

3.5 Administration

a. Whereas there is no chief judge over all the circuits of the Circuit Court, chief judges of each circuit are responsible for the administrative supervision of all Circuit and County Courts in their circuits. Administrative judges, appointed by the chief judges, assist with administrative supervision.

b. There is no provision for an administrator over all the circuits of the Circuit Court. Trial court administrators, known as executive assistants, have been appointed in 19 of the 20 circuits. They perform such duties as the chief judge may assign. These duties usually include preparation of the court's calendar; office supervision; and acting as liaison with local government, bar, news media, and the general public. They also commonly manage courtroom space and equipment.

c. The Circuit Court clerks, who exist in each county and also serve as county clerk in the capacities of county recorder, finance officer, treasurer, auditor, comptroller, and ex officio member of the County Commission (the county governing body), are elected on a countywide partisan ballot to 4-year terms. Circuit Court clerks are usually responsible for case scheduling and control. Administration of staff services may be the responsibility of the chief judge, the clerk, or the executive assistant, depending on the extent to which the chief judges delegate the responsibility. Records management and personnel are the responsibilities of court clerks. Clerks are not responsible for the Circuit Court's budget, but only those budgetary matters pertaining to the operation of their individual offices.

[Const., Art. V, §§2, 16; Const., Art. VIII, §1; F.S.A. §28; Fla. R. Jud. Admin., Rule 2.050; Berkson and Hays, "Injecting Court Administration into an Old System: A Case of Conflict in Florida," The Justice System Journal (hereinafter cited as Berkson and Hays), pp. 60, 68, 69; State Courts Administrator]

3.6 Rule-making. Reference Section 1.6.

Court of Limited or Special Jurisdiction

4.1 COUNTY COURT. The County Court sits in continuous session.

[F.S.A. §34.131]

4.2 Organization. There is one County Court in each county. County Courts may sit in divisions as may be established by law, or by local rule approved by the Supreme Court. The County Courts are currently divided into Criminal, Civil, and Traffic Divisions.

[Const., Art. V, §§6, 7, 20; F.S.A. §43.30; State Courts Administrator]

4.3 Jurisdiction

a. The County Court has original jurisdiction in all misdemeanor cases not triable by the Circuit Court, and in all violations of municipal and county ordinances. It also has original jurisdiction in all matters at law in which the matter in controversy does not exceed $5,000, exclusive of interests, costs, and attorneys' fees, except those within the exclusive jurisdiction of the Circuit Court. The County Court has concurrent jurisdiction with the Circuit Court in landlord and tenant cases involving claims that are within $5,000. The court has exclusive jurisdiction over proceedings related to right of possession of real property and to the forcible or unlawful detention of lands and tenements.

b. The County Court has no appellate jurisdiction.

[F.S.A. §§34.01, 34.011; State Courts Administrator]

4.4 Judges (198)

a. The County Court does not have presiding judges.

b. County Court judges must meet the same qualifications as Circuit Court judges with the exception of the 5-year bar membership specification. In counties having a population over 40,000, judges must currently be members of the Florida Bar. In counties having less than 40,000 population, however, judges are not required to be members of the Florida Bar. Reference Section 3.4.a.

c. County Court judges are elected to 4-year terms in nonpartisan elections by the voters within the territorial jurisdiction of their respective courts.

[Const., Art. V, §8, 10]

4.5 Administration

a. Whereas there are no provisions for presiding judges for the County Court, Circuit Court chief judges are responsible for the administrative supervision of the County Courts in their circuits. Reference Section 3.5.a.

b. The executive assistants of the Circuit Court carry out administrative duties for the County Courts within their respective circuits. Reference Section 3.5.b.

c. A County Court may have a clerk if authorized by general or special law. The clerk of the Circuit Court is the clerk of the County Court unless otherwise provided by law. Reference Section 3.5.c.

[Const., Art. V, §§2.2(d), 16; F.S.A. §34.031; Fla. R. Jud. Admin., Rule 2.0250]

4.6 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Supreme Court is vested with the authority to make policy as it pertains to the administration of Florida's court system. The Chief Justice of the Supreme Court is the chief judicial officer of the judicial system. The Chief Justice assigns justices or judges to temporary duty in any court for which the judge is qualified. He supervises the court system's financial affairs, program of continuing education, and planning and operations research. He also serves as the chief representative of the judiciary in contact with the other branches of government. Reference Section 1.5.a.

[Const., Art. V, §2]

5.2 Office of the State Courts Administrator

a. The Office of the State Courts Administrator is authorized by Rule 2.030(e), Florida Rules of Judicial Administration.

b. State Courts Administrator

(1) The position was created by Supreme Court rule in July 1972, to "assist the Chief Justice in his capacity as the chief administrative officer of the state judicial system."

(2) The State Courts Administrator is appointed by the Supreme Court. He is informally required to have a law degree. He must also be a member of the Florida Bar and must possess a background in public administration.

(3) The State Courts Administrator performs the following duties:

(a) Employs personnel as necessary.

(b) Represents the state courts system before the legislature and other bodies.

(c) Supervises the preparation and submission of a tentative budget for the state courts system to the Supreme Court for its approval.

(d) Testifies before the legislature in support of the final budget request.

(e) Assists in the preparation of educational and training materials.

(f) Coordinates and assists in conducting educational and training sessions for court personnel.

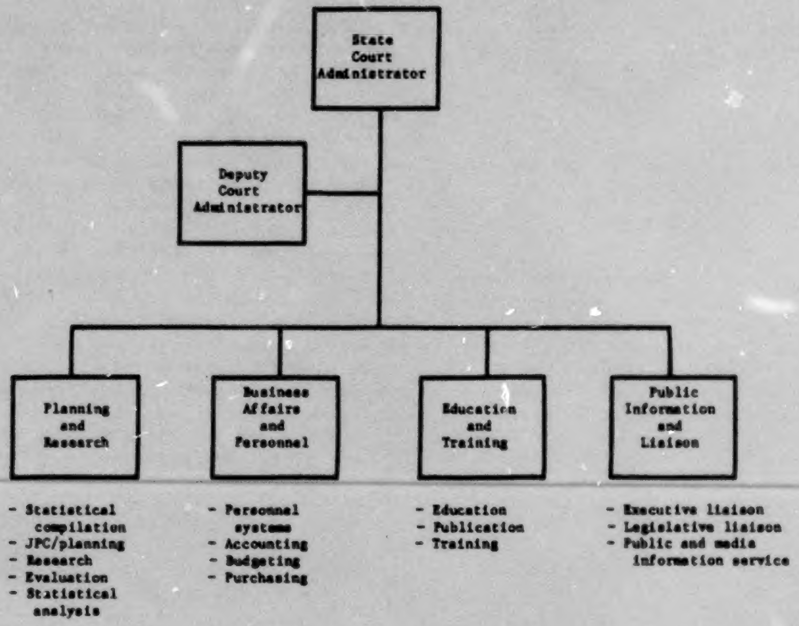
(g) Assists all courts in developing and improving the courts.

(h) Submits recommendations for improving the system to the Supreme Court.

(i) Collects and compiles uniform financial and other statistical data or information on the cost, workloads, and business of the state courts system, and publishes an annual report.

c. Office organization. The Office of the State Courts Administrator consists of 18 people:

Figure 2: Florida state-level administrative office of the courts, 1980


State Court Administrator
Deputy Court Administrator
Planning and Research
Business Affairs and Personnel
Education and Training
Public Information and Liaison
- Statistical compilation
- JPC/planning
- Research
- Evaluation
- Statistical analysis
- Personnel systems
- Accounting
- Budgeting
- Purchasing
- Education
- Publication
- Training
- Executive liaison
- Legislative liaison
- Public and media information service

13 professionals (including the State Courts Administrator) and 5 clerical personnel. The professional staff provides support services in the following areas: accounting, budgeting, and purchasing; education, training, and publications; personnel systems; and planning and research activities including statistical compilation, judicial planning, research, evaluation, and statistical analysis.

[Fla. R. Jud. Admin., Rule 2.030; General Appropriations, 1979-81, p. 220; State Courts Administrators, p. 34]

Quasi-Judicial Officers

6.0 There are no provisions for quasi-judicial officers in Florida.

Judicial Discipline

7.1 Judicial Qualifications Commission. The commission consists of the following 13 members: two District Court of Appeal judges selected by the District Court of Appeal, two Circuit Court judges selected by the Circuit Court, two County Court judges selected by the County Court, two members of the Florida Bar chosen by its Board of Governors, and five nonlawyers appointed by the Governor.

[Const., Art. V, §12; F.S.A. §43.20]

7.2 Authority and procedure for sanction. The commission receives all complaints involving the discipline and removal of judges. Before the commission determines that there is sufficient cause to warrant formal proceedings, it may make preliminary investigations. It has the right to require a judge to meet with it on an informal basis in reference to matters that relate to the discharge of judicial duties. If a preliminary investigation indicates the necessity for formal proceedings, the commission designates counsel to prosecute the charges and represent the commission. The judge in question is notified of the charges and a hearing is set. Legal evidence only is received and the judge is entitled to all procedural rights. The commission keeps a record of all proceedings. At the conclusion of the proceedings, the commission prepares a transcript of the evidence and makes written findings of fact and conclusions of law when recommending to the Supreme Court the discipline, retirement, or removal of a judge. Upon recommendation of two-thirds of the members of the commission, the Supreme Court may order that the judge or justice be disciplined by reprimand, be removed from office, or be involuntarily retired.

[Const., Art. V, §12; Florida Judicial Qualifications Commission Rules, Rules 6 to 22]

GEORGIA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court of Georgia sits in Atlanta for three terms per calendar year beginning on the first Monday of January, April, and September. Oral arguments may be heard outside the capital.

[Georgia Code Annotated (hereinafter Ga. Code Ann.) Sections 24-3604, 24-3801]

1.2 Organization. The Chief Justice is empowered to create two divisions of the Supreme Court, and to designate which judges will sit in each division. The Chief Justice himself presides over the First Division and designates who will preside over the Second Division. Supreme Court Rule 38 states, however, that for the purpose of hearing an argument, the court will sit as a whole.

[Ga. Code Ann. §§24-4011, 24-4538]

1.3 Jurisdiction

a. The Supreme Court has no original jurisdiction.

b. The appellate jurisdiction of the Supreme Court encompasses the trial and correction of errors of law in all questions involving construction of the constitutions of the United States or of Georgia, and treaties between the United States and foreign governments; questions involving title to land; equity cases; validity of and construction of wills; habeas corpus; extraordinary remedies; divorce and alimony; all capital felony cases; and all cases certified to it by the Court of Appeals for review and decision. The court also has jurisdiction in cases involving state revenue, contested elections, and the validity of legislative enactments of municipalities. This jurisdiction was originally vested in the court by Ga. Code Ann. §24-3903. The court, however, has struck down that section as unconstitutional on the basis that the General Assembly cannot prescribe cases to the Supreme Court. The same jurisdiction has since been vested in the Supreme Court by its own rule. The court can receive and answer certificates as to state law from the federal appellate courts.

[Constitution 2-3104 (Article VI, Section II) Paragraph IV; Ga. Code Ann. §24-3901; Supreme Court Rule 36; Vol. 236 Southeast Reporters 2nd, p. 759; Fifth Annual Report p. 35]

1.4 Justices (7)

a. The Chief Justice and the presiding justice who acts in the place of the Chief Justice when he is either absent or disqualified, are elected by the justices. The Chief Justice remains in this role for the remainder of his term as justice.

b. Supreme Court justices must be at least 30 years old, must have been state citizens for at least 3 years, and must have practiced law for at least 7 years.

c. Supreme Court justices stand for popular election at the same time and in the same manner as members of the General Assembly. They are elected for 6-year terms. When a vacancy occurs, the Governor appoints a person to hold office until a successor is elected and qualified at the next regular election.

[Const. 2-3101 (Art. VI, §II) ¶ I; Const. 2-3103 (Art. VI, §II) ¶ III; Const. 2-4201 (Art. VI, §VIII) ¶ I]

1.5 Administration

a. There are no formal provisions concerning the administrative authority of the Supreme Court or the Chief Justice over the state judicial system. In regard to the Supreme Court, the Chief Justice has no specific administrative duties other than designating two divisions of the court, as noted in Section 1.2.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk, occupying a statutorily authorized position, is appointed by the court for a 6-year term. There are no formal provisions for assigning administrative duties to the clerk. He has responsibilities as determined by the court.

[Ga. Code Ann. §§24-4011, 24-4101, 24-4103]

1.6 Rule-making. While the Supreme Court has the power to prescribe, modify, and repeal rules of procedure, pleading, and practice in all kinds of criminal and civil cases, ultimate rule-making authority rests with the Georgia General Assembly. Supreme Court prescription, modification, repeal, or amendment of rules does not take effect until ratification and confirmation by the Assembly. The court may establish, amend, and alter its own rules of practice without legislative concurrence. The Supreme Court may also prescribe administrative rules for its own operations. The court may, by rule of the court, provide for retention schedules for court records.

[Ga. Code Ann. §§24-3901, 24-4016, 40-803c, 81-1501, 81-1503]

Intermediate Appellate Court

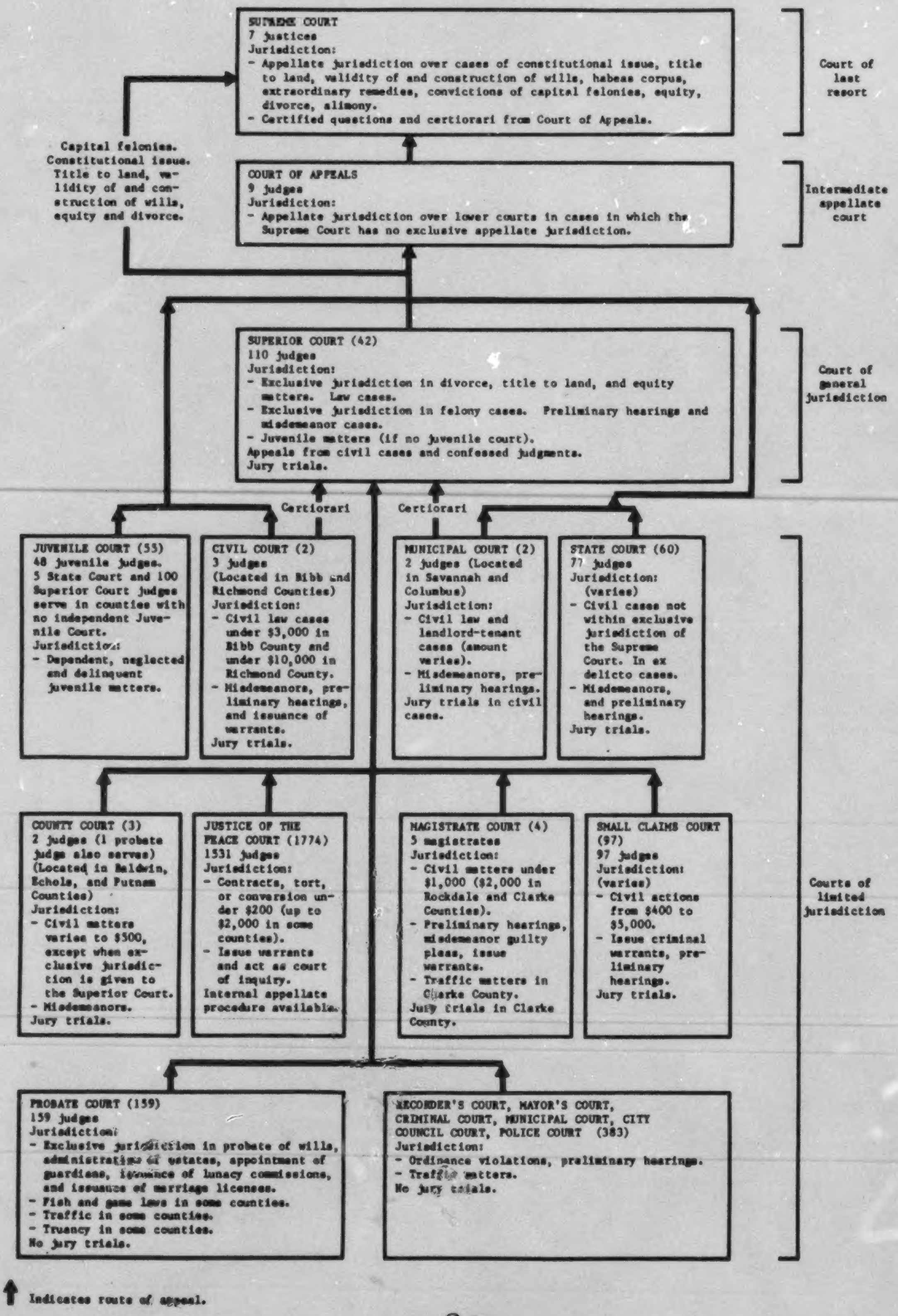
2.1 COURT OF APPEALS. The Court of Appeals sits in Atlanta for three terms per calendar year beginning on the first Monday of January, April, and September.

[Ga. Code Ann. §24-3801]

2.2 Organization. The Court of Appeals has statewide jurisdiction. The court sits in three panels of three judges each. The chief judge presides over the first panel and designates who will serve in and preside over each of the other two panels. The court sits as a whole to hear cases in which there was a dissenting vote in one of the panels, or when a majority of all members determines that a case should be heard by the court sitting as a whole.

[Ga. Code Ann. §§24-3501(1971), 24-4011]

Figure 1: Georgia court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Appellate jurisdiction over cases of constitutional issue, title to land, validity of and construction of wills, habeas corpus, extraordinary remedies, convictions of capital felonies, equity, divorce, alimony.
- Certified questions and certiorari from Court of Appeals.
Court of last resort
Capital felonies. Constitutional issue. Title to land, validity of and construction of wills, equity and divorce.
COURT OF APPEALS
9 judges
Jurisdiction:
- Appellate jurisdiction over lower courts in cases in which the Supreme Court has no exclusive appellate jurisdiction.
Intermediate appellate court
SUPERIOR COURT (42)
110 judges
Jurisdiction:
- Exclusive jurisdiction in divorce, title to land, and equity matters. Law cases.
- Exclusive jurisdiction in felony cases. Preliminary hearings and misdemeanor cases.
- Juvenile matters (if no juvenile court).
Appeals from civil cases and confessed judgments.
Jury trials.
Court of general jurisdiction
Certiorari
Certiorari
JUVENILE COURT (55)
48 juvenile judges.
5 State Court and 100 Superior Court judges serve in counties with no independent Juvenile Court.
Jurisdiction:
- Dependent, neglected and delinquent juvenile matters.
CIVIL COURT (2)
3 judges
(Located in Bibb and Richmond Counties)
Jurisdiction:
- Civil law cases under $3,000 in Bibb County and under $10,000 in Richmond County.
- Misdemeanors, preliminary hearings, and issuance of warrants.
Jury trials.
MUNICIPAL COURT (2)
2 judges (Located in Savannah and Columbus)
Jurisdiction:
- Civil law and landlord-tenant cases (amount varies).
- Misdemeanors, preliminary hearings.
Jury trials in civil cases.
STATE COURT (60)
77 judges
Jurisdiction:
(varies)
- Civil cases not within exclusive jurisdiction of the Supreme Court. In ex delicto cases.
- Misdemeanors, and preliminary hearings.
Jury trials.
COUNTY COURT (3)
2 judges (1 probate judge also serves)
(Located in Baldwin, Echols, and Putnam Counties)
Jurisdiction:
- Civil matters varies to $500, except when exclusive jurisdiction is given to the Superior Court.
- Misdemeanors.
Jury trials.
JUSTICE OF THE PEACE COURT (1774)
1531 judges
Jurisdiction:
- Contracts, tort, or conversion under $200 (up to $2,000 in some counties).
- Issue warrants and act as court of inquiry.
Internal appellate procedure available.
MAGISTRATE COURT (4)
5 magistrates
Jurisdiction:
- Civil matters under $1,000 ($2,000 in Rockdale and Clarke Counties).
- Preliminary hearings, misdemeanor guilty pleas, issue warrants.
- Traffic matters in Clarke County.
Jury trials in Clarke County.
SMALL CLAIMS COURT (97)
97 judges
Jurisdiction:
(varies)
- Civil actions from $400 to $5,000.
- Issue criminal warrants, preliminary hearings.
Jury trials.
Courts of limited jurisdiction
PROBATE COURT (159)
159 judges
Jurisdiction:
- Exclusive jurisdiction in probate of wills, administration of estates, appointment of guardians, issuance of lunacy commissions, and issuance of marriage licenses.
- Fish and game laws in some counties.
- Traffic in some counties.
- Truancy in some counties.
No jury trials.
RECORDER'S COURT, MAYOR'S COURT, CRIMINAL COURT, MUNICIPAL COURT, CITY COUNCIL COURT, POLICE COURT (383)
Jurisdiction:
- Ordinance violations, preliminary hearings.
- Traffic matters.
No jury trials.
Indicates route of appeal.

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has appellate jurisdiction over cases heard in the Superior Courts, certain State and City Courts, and Juvenile Courts when exclusive appellate jurisdiction has not been vested in the Supreme Court.

[Const. 2-3108 (Art. VI, §II) ¶'s VIII, IX; Ga. Code Ann. §§2-3708 (1948), 6-701 (1964), 24-2107a]

2.4 Judges (9)

a. The chief judge, who is also the presiding judge, is selected by his fellow judges and serves at their pleasure.

b. Court of Appeals judges must be at least 30 years old, must have been citizens of the state for at least 3 years, and must have practiced law for at least 7 years.

c. Court of Appeals judges are elected to 6-year terms at general elections.

[Const. 2-3103 (Art. VI, §II) ¶ III; Const. 2-3108 (Art. VI, §II) ¶ VIII; Const. 2-4201 (Art. VI, §XIII) ¶ I; Ga. Code Ann. §§24-3501, 24-3502]

2.5 Administration

a. The chief judge divides the court into three panels, presides over the first, designates who will sit in and preside over the other two, and distributes cases so as to equalize the workload among the divisions.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The clerk, occupying a constitutionally authorized position, is appointed by the court for a 6-year term. He has responsibilities as determined by the court.

[Const. 2-3108 (Art. VI, §II) ¶ VIII; Ga. Code Ann. §24-3501; Outline of Basic Appellate Court Structure in the U.S., p. 42]

2.6 Rule-Making. Reference Section 1.6.

Court of General Jurisdiction

3.1 SUPERIOR COURT. The Superior Court must sit in each county not less than twice in each year at times set by law.

[Const. 2-3308 (Art. VI, §IV) ¶ VIII; Ga. Code Ann. §24-2601]

3.2 Organization. There are 42 circuits, comprising 1 to 8 counties each. A Superior Court sits at least twice a year in each county seat (a total of 159 locations) and has countywide jurisdiction. There are no specialized divisions of the court.

[Const. 2-3201 (Art. VI, §III) ¶ I; Ga. Code Ann. §24-2601]

3.3 Jurisdiction

a. The Superior Court has exclusive original jurisdiction in criminal cases where the offender is subjected to loss of life or confinement in the penitentiary, except in the case of juvenile offenders as provided by law; in cases of divorce; in cases involving title to land; and in equity cases.

b. The Superior Court has appellate jurisdiction in certain civil cases tried in the County Court, or where judgment is confessed, and to review judgments of the Probate Court and the Justice of the Peace Court.

[Const. 2-3301 (Art. VI, §IV) ¶ I; Ga. Code Ann. §24-2615]

3.4 Judges (110). The Georgia constitution provides for a judge of the Superior Court in each of the state's 42 judicial circuits.

a. There is no provision for a chief judge over all the circuits of the Superior Court. Local laws may provide for chief judges for individual courts; provisions vary by court.

b. Superior Court judges must be at least 30 years old, must have been state citizens for at least 3 years, and must have practiced law for at least 7 years.

c. Superior Court judges are elected to 4-year terms by the voters of their respective judicial circuits. Fulton County Superior Court judges, however, serve 8-year terms.

[Const. 2-3201 (Art. VI, §III) ¶ I; Const. 2-3202 (Art. VI, §III) ¶ II; Const. 2-4201 (Art. VI, §XIII) ¶ I; Ga. Code Ann. §§24-2601, 24-2602, 24-2603; Assistant Director for Courts Coordination and Research]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Superior Court, local laws may provide for chief judges for the individual circuits. Powers and duties of chief judges vary from court to court. The District Council, composed of all Superior Court judges within each district, elects an "administrative judge" for a term of 2 years. The 10 administrative judges have the authority to assign consenting Superior Court judges within their respective districts to sit on any type of case or handle other administrative or judicial matters in the district, and to request, collect, and receive information from the courts of record within the district.

b. There is no provision for an administrator over all the circuits of the Superior Court. While there are no statutory provisions for court administrators for the circuits, some trial court administrator positions have been created by local court rule. The administrative judge of each district may hire an administrative assistant, who acts as a district court administrator and is responsible for assisting the administrative judge in his duties, which include supervising all courts of record in the judicial district.

c. Clerks, occupying statutorily authorized positions, are elected to 4-year terms. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Ga. Code Ann. §§24-33A, 24-2701, 24-3305a; Assistant Director for Courts Coordination and Research]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 PROBATE COURT (formerly COURT OF ORDINARY)
The Probate Court holds terms on a monthly basis.

[Ga. Code Ann. §24-2101]

4.2.1 Organization. There are 159 Probate Courts statewide (1 per county). There are no specialized divisions of the court.

[Const. 2-3501 (Art. VI, §VI) ¶ I]

4.3.1 Jurisdiction

a. The Probate Court has exclusive original jurisdiction over the probate of wills, administration of estates, and appointment of guardians; the court also has the authority to issue marriage licenses and permits to carry pistols or revolvers.

The Probate Court has criminal jurisdiction over misdemeanor violations of the Georgia State Highway Patrol Act of 1937 if there is no County or State Court located in the county. The court has jurisdiction in all cases arising under the compulsory school attendance law in all counties without a State Court, provided a jury trial is waived. In counties without State or County Courts, the Probate Court also tries violations of fish and game laws. It may hear habeas corpus actions except in felony cases or where a prisoner is being held for extradition.

b. The Probate Court has no appellate jurisdiction.

[Const. 2-3502 (Art. VI, §VI) ¶ II; Ga. Code Ann. §§24-1804, 24-1901, 26-2904, 45-547, 50-103, 92A-501, 92A-502]

4.4.1 Judges (159). Each of the state's 159 counties has one Probate Court with one probate judge.

a. The Probate Court does not have presiding judges.

b. In counties with less than 100,000 population, Probate Court judges must be at least 21 years old, must be state citizens, and must be qualified voters. In counties with more than 100,000 population, Probate Court judges must be at least 30 years old and must have either practiced law for at least 3 years or acted as clerk of the Probate Court for 5 years.

c. Probate Court judges are elected to 4-year terms on a partisan ballot in county elections and serve until their successors are elected and qualified.

[Const. 2-3501 (Art. VI, §VI) ¶ I; Const. 2-3503 (Art. VI, §VI) ¶ III; Ga. Code Ann. §§24-1711, 24-1711.1, 24-1702, 24-1713]

4.5.1 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. Probate judges are clerks of their own courts but they may hire clerks who serve at their pleasure. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Ga. Code Ann. §24-1801]

4.6.1 Rule-making. Reference Section 1.6. The Probate Court may adopt rules not inconsistent with the constitution and laws of the United States and the constitution and laws of Georgia.

[Ga. Code Ann. §24-106]

4.1.2 JUVENILE COURT. The Juvenile Court sits in continuous session.

[Director of the Administrative Office of the Courts]

4.2.2 Organization. Statutes provide for the establishment of a Juvenile Court in all counties having a population of more than 50,000 (approximately 18 of the 159 counties). Less populated counties may also have a Juvenile Court created upon the recommendation of two successive grand juries. A Juvenile Court has been established in approximately 55 of the state's 159 counties. In the remaining counties, a judge of the Superior Court sits as the juvenile judge. There are no specialized divisions of the court.

[Ga. Code Ann. §24-201; Fifth Annual Report, p. 73]

4.3.2 Jurisdiction

a. The Juvenile Court has jurisdiction over cases involving dependent, neglected, and delinquent juveniles, including appointment of guardians. It can also conduct bail and detention hearings, issue arrest warrants, and act as a court of inquiry. The court has concurrent jurisdiction with the Superior Court over a child who is alleged to have committed a delinquent act that would be considered a crime if tried in the Superior Court and for which the child may be punished by a sentence of death or life imprisonment. The court can conduct bail hearing, issue arrest warrants, and act as a court of inquiry.

b. The Juvenile Court has no appellate jurisdiction.

[Ga. Code Ann. §§24A-301, 24A-302, 24A-1402 to 24A-1404, 24A-3901]

4.4.2 Judges (48 juvenile judges; 5 State Court judges and 100 Superior Court judges serve in counties with no independent Juvenile Court)

a. In practice, the judge who is senior in service serves as the chief judge in a multi-judge Juvenile Court.

b. Juvenile Court judges must be at least 30 years old, must have been state citizens for at least 3 years, and must have practiced law for at least 3 years. Judges are prohibited from directly or indirectly practicing law in or being a partner in a law firm that practices law in a Juvenile Court.

c. Juvenile Court judges are appointed for 6-year terms by the Superior Court judges of the counties.

[Ga. Code Ann. §24A-201; Courts of Limited Jurisdiction, p. 77; Assistant Director for Courts Coordination and Research; Director of the Administrative Office]

4.5.2 Administration

a. The administrative duties of chief judges vary according to county.

b. While there are no statutory provisions for judicial administrators for the separate Juvenile Courts, five Juvenile Courts have created such positions by local court rule. Their administrative duties vary according to county.

c. Clerks are appointed by the Juvenile Court judges. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Ga. Code Ann. §24A-603; Assistant Director for Courts Coordination and Research; Director of the Administrative Office]

4.6.2 Rule-making. Rules of practice and procedure for the Juvenile Court are promulgated by the Council of Juvenile Court Judges (reference Table 26: Judicial councils and conferences).

[Ga. Code Ann. §24A-501]

4.1.3 JUSTICE OF THE PEACE COURT. The Justice of the Peace Court holds terms on a monthly basis.

[Ga. Code Ann. §24-901]

4.2.3 Organization. Unless otherwise changed by law, there is one elected justice of the peace in each of the militia districts. In addition, a notary public, who serves as ex officio justice of the peace, may be appointed in each militia district. The General Assembly may abolish Justice of the Peace Courts in any city in which the population exceeds 20,000. There are no specialized divisions of the court.

[Const. 2-3601 (Art. VI, §VIII) ¶ I; Director of the Administrative Office]

4.3.3 Jurisdiction

a. Justices of the peace have criminal jurisdiction to issue warrants, hold commitment hearings, and act as conservators of the peace. Justices of the peace have jurisdiction in all civil cases arising out of contract and in cases of injury or damage to and conversion of personal property, when the principal sum does not exceed $200. Local amendments to the constitution have raised that amount in 18 counties to between $500 and $2,000.

b. The Justice of the Peace Court has an internal appeal mechanism as an alternative to an appeal to the Superior Court. This appeal may be made to a jury composed of the justice of the peace and five other jurors.

[Const. 2-3602 (Art. VI, §VII) ¶ II; Ga. Code Ann. §§6-401, 24-1501]

4.4.3 Judges (1531 justices of the peace)

a. The Justice of the Peace Court does not have presiding judges.

b. Justices of the peace must have been county residents for at least 2 years and must have been district residents for at least 3 months immediately preceding their election.

c. Justices of the peace are elected to 4-year terms in militia districts of their respective counties. Ex officio justices are appointed by Superior Court judges and commissioned by the Governor.

[Const. 2-3601 (Art. VI, §VII) ¶ I; Const. 2-3601 (Art. VI §VIII) ¶ I; Ga. Code Ann. §§24-401, 24-402; Director of the Administrative Office]

4.5.3 Administration

a. There are no provisions for presiding judges for the Justice of the Peace Court.

b. There are no provisions for administrators for the Justice of the Peace Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Justice of the Peace Court.

4.6.3 Rule-making. Reference Section 1.6. The Justice of the Peace Court may adopt rules not inconsistent with the constitution and laws of the United States and the constitution and laws of Georgia.

[Ga. Code Ann. §24-106]

4.1.4 STATE COURT (formerly the CONSTITUTIONAL CITY COURT). The State Court holds terms according to amendments to the act of the General Assembly.

[Ga. Code Ann. §24-2103a]

4.2.4 Organization. The State Court has countywide jurisdiction, concurrent with the Superior Court. State Courts are authorized in counties with a population of 10,000 or more and must be established individually. Local statutes may provide for divisions. Since 1970, certain Criminal and Civil Courts have been consolidated and brought within the state court system by local legislation.

[Georgia Public Laws (hereinafter Georgia Laws) 1970, 1287; Director of the Administrative Office; Assistant Director for Courts Coordination and Research]

4.3.4 Jurisdiction

a. The State Court has criminal jurisdiction over all misdemeanor cases. The court has jurisdiction to try and dispose all civil cases not within the exclusive jurisdiction of the Superior Court except when the original act that created the court limited the jurisdiction of the court to injury to person and reputation.

b. The State Court has no appellate jurisdiction.

[Ga. Code Ann. §§24-2101a, 24-2106a; Director of the Administrative Office]

4.4.4 Judges (77)

a. While there are no general statutory provisions for presiding judges, local statutes or court rule may provide for one, as in Fulton county, where judges of the State Court elect a chief judge.

b. State Court judges must be members of the state bar and must have practiced law for at least 3 years.

c. State Court judges are elected to 4-year terms by the citizens in their respective counties.

[Ga. Code Ann. §24-2111a; Georgia Laws 1970, 1287; Georgia Laws 1976, 3023; Reincke, Mary, Ed. The American Bench: Judges of the Nation (hereinafter The American Bench), p. 444]

4.5.4 Administration

a. The responsibilities and powers of the chief judge over all the state courts are stated in Georgia Laws 1976, 3023 and 3026. If a chief judge is specified for a particular State Court, the local legislation creating the court must be investigated to determine if specific duties and powers are assigned to the chief judge.

b. There are no provisions for administrators for the State Court. Reference Section 5.2.b (state-level administrator).

c. Local legislation for these courts specifies that there be either a clerk of court or that the Superior Court clerk will serve as the clerk of the State Court.

[Director of the Administratiave Office of the Courts]

4.6.4 Rule-making. Reference Section 1.6.

4.1.5 SMALL CLAIMS COURT. The Small Claims Court holds terms according to the act of the General Assembly creating the specific court and amendments to the act. Few courts have set terms.

[Director of the Administrative Office]

4.2.5 Organization. Small Claims Courts are created by local acts of the General Assembly. Fourteen such courts were created by the 1979 legislature. Specific information on each court is determined by the local acts.

[Director of the Administrative Office]

4.3.5 Jurisdiction

a. The various courts of the Small Claims Court have civil jurisdiction that ranges from $400 to $5,000. Most of these courts have a maximum jurisdictional amount between $1,000 and $1,500. Of the 97 courts, 63 have jurisdictions limited to cases out of contract. In all but four of the courts, the judges have the full powers of justices of the peace.

b. The Small Claims Court has no appellate jurisdiction.

[Director of the Administrative Office]

4.4.5 Judges (97)

a. The Small Claims Court does not have presiding judges.

b. Small Claims Court judges must generally be county residents, must be 21 years of age, and must be of good moral character. Judges in only a few of the courts are required to be attorneys.

c. Eleven Small Claims Court judges are elected. Depending on the specific act creating the court, the remaining judgeships are filled by appointment by the Governor, the county grand jury, the senior Superior Court judge, or the county commissioners. In six counties, Probate or State Court judges serve the Small Claims Court. The term of office varies from 1 to 4 years, but is generally 4 years.

[Georgia Courts Journal, June 1979, p. 14; Administrative Office of the Courts, Research on Small Claims Courts, 1979]

4.5.5 Administration

a. There are no provisions for presiding judges for the Small Claims Court.

b. There are no provisions for administrators for the Small Claims Court.

c. Local legislation provides that a judge may act as his own clerk or may, at his discretion, appoint a clerk to be compensated by fees. The clerk has responsibilities as determined by the court.

[Director of the Administrative Office]

4.6.5 Rule-making. Some acts creating courts specify procedures, form, etc. Other acts give the judges the authority to change and make rules.

[Director of the Administrative Office]

4.1.6 MUNICIPAL COURT. The Municipal Court holds terms on a monthly basis.

[Director of the Administrative Office]

4.2.6 Organization. A countywide Municipal Court exists in Columbus and Savannah. There are no specialized divisions of the court.

4.3.6 Jurisdiction

a. The Municipal Court of Columbus and the Municipal Court of Savannah have limited criminal jurisdiction in misdemeanor offenses. These courts (which have countywide jurisdiction) are different from other Municipal Courts that have criminal jurisdiction over ordinance and traffic violations only and are established for incorporated municipalities. The civil jurisdiction of the Municipal Court of Columbus extends to claims not exceeding $5,000. The Municipal Court at Savannah hears claims not exceeding $1,500.

b. The Municipal Court has no appellate jurisdiction.

[Director of the Administrative Office]

4.4.6 Judges (2)

a. The Municipal Court does not have presiding judges.

b. Municipal Court judges must be 25 years of age, residents of their respective counties, and must have practiced law for 5 years prior to election or appointment.

c. Municipal Court judges are elected or appointed according to the local charter to 4-year terms by the voters of the counties.

[The American Bench, p. 491; Director of the Administrative Office]

4.5.6 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court.

c. Local legislation provides for a clerk in Savannah, who is appointed by the Board of Commissioners upon recommendation of the judge. In Columbus, the clerk is elected to a 4-year term by the voters of the city. The clerks have responsibilities as determined by the court.

[Director of the Administrative Office]

4.6.6 Rule-making. Rule-making authority is the same as that for the Superior Court (which follows that of the Supreme Court.) Reference Section 1.6.

[Director of the Administrative Office]

4.1.7 MAGISTRATE COURT. The term of the Magistrate Court varies. Terms may be held on a monthly or semi-monthly basis.

[Georgia Laws 1977, 4450 at 4459; Georgia Laws 1978, 3907 at 3913]

4.2.7 Organization. A Magistrate Court has been established in four counties. There are no specialized divisions of the court.

4.3.7 Jurisdiction

a. The Magistrate Court has criminal jurisdiction over minor criminal cases. The court has the same criminal jurisdiction as a justice of the peace, which includes issuing warrants and conducting committal hearings. In Clarke County, the court hears traffic violations. They also hear county ordinance cases. Civil jurisdiction is limited to cases involving a dollar amount of $1,000 or less except in Clarke and Rockdale Counties, where the courts have civil jurisdiction over claims of $2,000 or less.

b. The Magistrate Court has no appellate jurisdiction.

[The American Bench, p. 491; Director of the Administrative Office]

4.4.7 Judges (5 magistrates)

a. The Magistrate Court does not have presiding judges.

b. Qualifications for Magistrate Court judges vary. In Baldwin County, the Small Claims Court judge serves as the judge of the Magistrate Court. In Rockdale County, magistrates must be 25 years of age, must be taxpayers, must be members of the bar, must have been residents of the county for 2 years, and must have been in the practice of law in the state for 3 years. In Clarke County, magistrates must be 27 years of age, must have been residents of the county for 2 years, and must have been in the practice of law for 3 years.

c. Magistrates in Rockdale County are appointed for 2-year terms by the Board of Commissioners. In Baldwin and Glynn counties, they are appointed for 4-year terms by the Governor. In Clarke County, they are elected to 4-year terms by the voters of the county.

[Director of the Administrative Office]

4.5.7 Administration

a. There are no provisions for presiding judges for the Magistrate Court.

b. There are no provisions for administrators for the Magistrate Court.

c. Local legislation creating the court provides for a clerk, who is generally appointed by the judges or the county Board of Commissioners.

[Director of the Administrative Office]

4.6.7 Rule-making. The Magistrate Court judge makes rules for his court in Rockdale County. The judge of the Magistrate Court in Clarke County does not have rule-making authority. The legislation creating the Magistrate Courts in Glynn and Baldwin Counties does not specify a rule-making authority.

[Director of the Administrative Office]

4.1.8 COUNTY COURT. The County Court holds terms on a monthly basis.

[Director of the Administrative Office]

4.2.8 Organization. Single-judge County Courts have been established by local act in Baldwin, Echols, and Putnam Counties. There are no specialized divisions of the court.

[The American Bench, p. 490].

4.3.8 Jurisdiction

a. The County Court has criminal jurisdiction only in misdemeanor cases. The court has civil jurisdiction concurrent with the Superior Court except in cases that are within the exclusive jurisdiction of the Superior Court. In civil cases, there is a limited jurisdictional amount that varies for each court. Echols has the highest jurisdictional amount, which is $500.

b. The County Court has no appellate jurisdiction.

[The American Bench, p. 490; Director of the Administrative Office]

4.4.8 Judges (2; one probate judge serves)

a. The County Court does not have presiding judges.

b. In Echols County, the Probate Court judge serves as judge of the County Court. In Baldwin and Putnam Counties, County Court judges must be 25 years of age, and they must have been residents of their respective counties for 2 years prior to election or appointment.

c. In Echols County, the Probate Court judge serves also as the County Court judge. In Baldwin and Putnam Counties, the County Court judges are appointed for 4-year terms by the Governor.

[Director of the Administrative Office]

4.5.8 Administration

a. There are no provisions for presiding judges for the County Court.

b. There are no provisions for administrators for the County Court.

c. Local legislation states that in Echols County the probate judge serves as ex officio clerk of the County Court. In Putnam and Baldwin Counties, the judges have the responsibility for keeping dockets and records.

[Director of the Administrative Office]

4.6.8 Rule-making. In Echols, Baldwin, and Putnam Counties, rule-making is the same as that for the Superior Court (which follows that of the Supreme Court). Reference Section 1.6.

[Georgia Laws 1953, 3195]

4.1.9 CIVIL COURT. The Civil Court holds terms on a monthly basis.

[Director of the Administrative Office]

4.2.9 Organization. Two Civil Courts currently exist: the Civil Court of Bibb County and the Civil Court of Richmond County. There are no specialized divisions of the court.

[Georgia Laws 1955, 2552; Georgia Laws 1971, 2745]

4.3.9 Jurisdiction

a. The criminal jurisdiction of a justice of the peace is vested in both courts, enabling a judge to issue criminal warrants and serve as a committal court for misdemeanor and felony offenses. The Civil Court of Bibb County has jurisdiction in civil cases not exceeding $3,000 and is expressly provided authority to try suits against non-residents when service is perfected on the secretary of state. In Richmond County, the Civil Court has jurisdiction in cases not exceeding $10,000.

b. The Civil Court has no appellate jurisdiction.

[Ga. Code Ann. §68-8; Georgia Laws 1971, 2745; Georgia Laws 1979, 3062]

4.4.9 Judges (3)

a. The chief judge of the Civil Court of Richmond is elected to a 4-year term.

b. Civil Court judges must be qualified voters of their respective counties. They must also have a minimum of 5 years of experience in the practice of law immediately preceding the election. In Bibb County, judges must be at least 25 years of age.

c. Civil Court judges are elected to 4-year terms by the voters of their respective counties.

[Director of the Administrative Office]

4.5.9 Administration

a. The chief judge may appoint a clerk, sheriff, chief deputy sheriff, court reporter, and secretaries. He determines the compensation of these officers within limitations set by statute.

b. There are no provisions for administrators for the Civil Court.

c. Local legislation provides for a clerk of court. The clerks have responsibilities as determined by the court.

[Director of the Administrative Office]

4.6.9 Rule-making. Reference Section 1.6.

4.1.10 RECORDER'S COURT, MAYOR'S COURT, CITY COUNCIL COURT, CRIMINAL COURT, POLICE COURT, MUNICIPAL COURT (except Savannah and Columbus)

There are 383 of these courts which are created in the city charters and may have moved from active to inactive status and back several times during the history of the city. Generally there are no set terms in these courts.

Geographical jurisdiction extends only over the municipality. They have original jurisdiction over municipal ordinances including traffic offenses and have the powers of a justice of the peace. They have no appellate jurisdiction.

Generally, these courts have only one judge each. Judges of the Recorder's Court are appointed and serve at the city government's pleasure. In a Mayor's Court, the mayor sits as judge for his term in office. Each individual charter determines the requisite qualifications of the judge. These vary considerably, but many do have a residency and age requirement.

State-Level Administration

5.1 General administrative authority. There are no formal provisions concerning the administrative authority of the Supreme Court or the Chief Justice over the state judicial system. The Judicial Council (reference Table 29: Judicial councils and conferences) acts as an advisory body on matters of state court administration.

[State Court Administrators, p. 36]

5.2 Administrative Office of the Courts

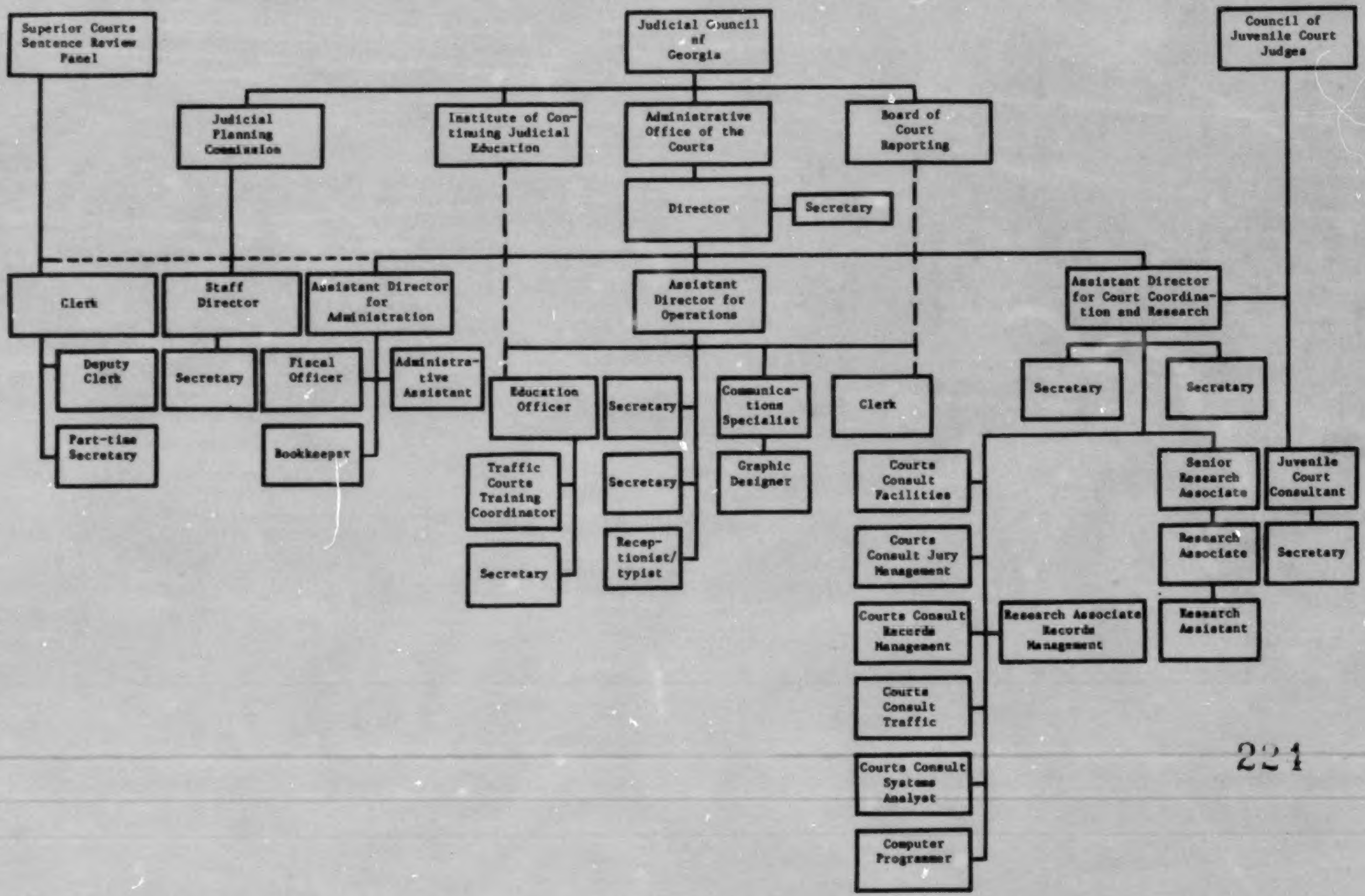
a. The Administrative Office of the Courts was created by act of the 1973 General Assembly.

b. Director of the Administrative Office of the Courts

(1) The position was created in 1973 by the General Assembly.

(2) In practice, the Director of the Administrative Office of the Courts must have undergraduate and graduate degrees in business administration, public administration, or judicial administration. He must also have experience at a managerial level in judicial administration and must possess a proven professional commitment to judicial administration. The Judicial Council (reference Table 29: Judicial councils and conferences)

Figure 2: Georgia state-level administrative office of the courts, 1980


Superior Courts Sentence Review Panel
Judicial Council of Georgia
Council of Juvenile Court Judges
Judicial Planning Commission
Institute of Continuing Judicial Education
Administrative Office of the Courts
Board of Court Reporting
Director
Secretary
Clerk
Staff Director
Assistant Director for Administration
Assistant Director for Operations
Assistant Director for Court Coordination and Research
Deputy Clerk
Secretary
Fiscal Officer
Administrative Assistant
Education Officer
Secretary
Communications Specialist
Clerk
Secretary
Secretary
Part-time Secretary
Bookkeeper
Traffic Courts Training Coordinator
Secretary
Graphic Designer
Courts Consult Facilities
Senior Research Associate
Juvenile Court Consultant
Secretary
Recep-tionist/typist
Courts Consult Jury Management
Research Associate
Secretary
Courts Consult Records Management
Research Associate Records Management
Research Assistant
Courts Consult Traffic
Courts Consult Systems Analyst
Computer Programmer

screens applicants' credentials before appointing a Director.

(3) The Director is responsible for assisting in the preparation of the state judicial branch budget, appearing before legislative committees, and providing staff services to the Judicial Council.

c. Office organization. The Administrative Office of the Courts consists of 24 people: 17 professionals, (including the Director of the Administrative Office) and 7 clerical personnel. In addition, one person works part-time. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, field representation, and data entry; court coordination, facilities management, and other court services; payroll, accounting, auditing, budgeting, and purchasing; education, training, library services, and publications; personnel systems and office management; legislative, executive, public, and media information, legislative and executive liaison; and planning and research activities, which include statistical compilation, judicial planning, research, evaluation, statistical analysis, and legislative drafting.

[Georgia Laws 1973, 288; June 12, 1978 Supreme Court Rule; State Court Administrators, pp. 36-37; Director of the Administrative Office; Assistant Director for Court Coordination and Research]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT
6.2.1 Special master

a. The Superior Court judge may appoint special masters who serve at the pleasure of the appointing judge. A special master must be a practicing attorney, must be in good standing, and must have practiced law for at least 3 years.

b. Special masters serve in lieu of a board of assessors, and possess the same authority as that board, at land condemnation hearings in the Superior Court.

[Ga. Code Ann. §§36-606a, 36-611a; Director of the Administrative Office of the Courts]

6.1.2 JUVENILE COURT
6.2.2 Referee and traffic referee

a. A Juvenile Court judge may appoint one or more persons to serve full-time or part-time as a referee in juvenile matters or a traffic referee in juvenile traffic matters. The referees serve at the pleasure of the judge. A referee must be a member of the state bar or otherwise be qualified by training and experience for his duties.

b. The judge may direct, with the consent of all parties, that any case involving alleged delinquency, or unruly or deprived children be conducted in the first instance by a referee. The judge may also direct that any case or class of cases involving juvenile traffic offenses be heard in the first instance by a traffic referee.

[Ga. Code Ann. §§24A-701, 24A-3102]

6.1.3 COBB COUNTY STATE COURT
6.2.3 Magistrate

a. Magistrates must be 21 years old and must be citizens of Cobb County and of Georgia. They must also be members of the Georgia Bar. Magistrates are elected to 4-year terms.

b. Magistrates may issue warrants, conduct commitments, or admit offenders against the laws of the state to bail. Upon the authority of the senior judge of the State Court, they can try all cases involving violations of the ordinances of Cobb County and the traffic laws of the state.

6.1.4 RECORDER'S COURT OF DEKALB COUNTY
6.2.4 Magistrate

a. Commissioners of DeKalb County may appoint magistrates to the Recorder's Court of DeKalb County. This is the authority for the creation of the Magistrate's Division of the Recorder's Court of DeKalb County. The two magistrates are appointed by the County Commissioners.

b. The magistrates issue warrants, hold commital hearings, and set bail.

Judicial Discipline

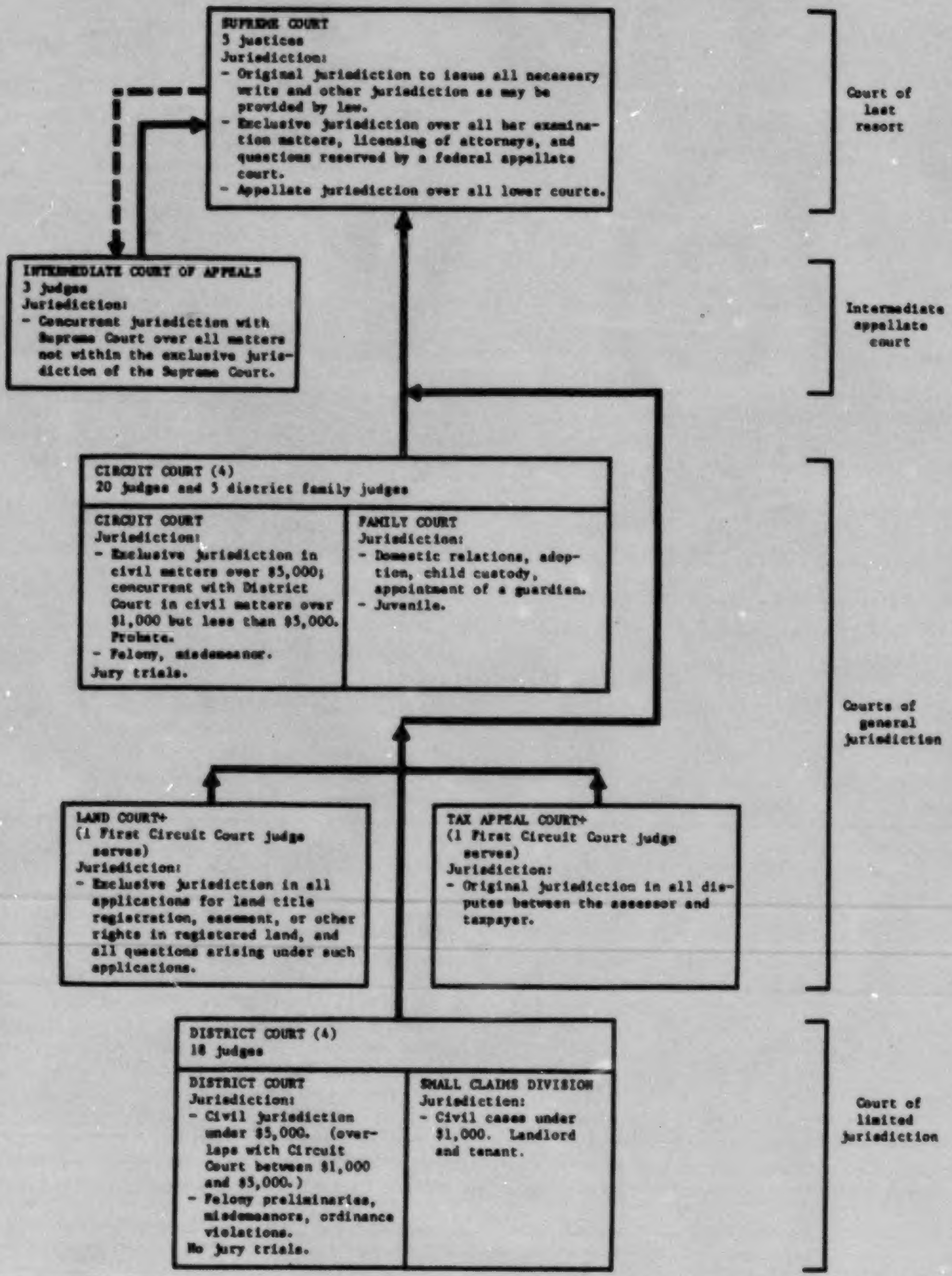
7.1 Judicial Qualifications Commission. The commission consists of seven members: two judges of any court of record selected by the Supreme Court, three members of the state bar elected by the Board of Governors of the state bar, and two non-lawyer citizens appointed by the Governor.

[Const. 2-4203 (Art. VI, §XIII) ¶ III(a)]

7.2 Authority and procedure for sanction. The commission may, after an investigation of a judicial complaint, order a hearing to be held before it concerning the retirement or removal of a justice or judge. The commission may also request the Supreme Court to appoint a special master to hear and take evidence on the matter and report back to the commission. If, after hearing, or after considering the record and report of the master, the commission finds good cause, it can recommend to the Supreme Court the removal, other discipline, or retirement of the justice or judge. The Supreme Court can review the record of the proceedings on the law and facts, and in its discretion may permit the introduction of additional evidence and order removal or retirement, as it finds just and proper. The Supreme Court can also reject the recommendations of the Judicial Qualifications Commission.

[Const. 2-4203 (Art. VI, §XIII) ¶ III(b)]

Figure 1: Hawaii court system, 1980


Court of last resort
Intermediate appellate court
Courts of general jurisdiction
Court of limited jurisdiction

SUPREME COURT
5 justices
Jurisdiction:
- Original jurisdiction to issue all necessary writs and other jurisdiction as may be provided by law.
- Exclusive jurisdiction over all bar examination matters, licensing of attorneys, and questions reserved by a federal appellate court.
- Appellate jurisdiction over all lower courts.

INTERMEDIATE COURT OF APPEALS
3 judges
Jurisdiction:
- Concurrent jurisdiction with Supreme Court over all matters not within the exclusive jurisdiction of the Supreme Court.

CIRCUIT COURT (4)
20 judges and 5 district family judges

CIRCUIT COURT
Jurisdiction:
- Exclusive jurisdiction in civil matters over $5,000; concurrent with District Court in civil matters over $1,000 but less than $5,000. Probate.
- Felony, misdemeanor.
Jury trials.

FAMILY COURT
Jurisdiction:
- Domestic relations, adoption, child custody, appointment of a guardian.
- Juvenile.

LAND COURT+
(1 First Circuit Court judge serves)
Jurisdiction:
- Exclusive jurisdiction in all applications for land title registration, easement, or other rights in registered land, and all questions arising under such applications.

TAX APPEAL COURT+
(1 First Circuit Court judge serves)
Jurisdiction:
- Original jurisdiction in all disputes between the assessor and taxpayer.

DISTRICT COURT (4)
18 judges

DISTRICT COURT
Jurisdiction:
- Civil jurisdiction under $5,000. (overlaps with Circuit Court between $1,000 and $5,000.)
- Felony preliminaries, misdemeanors, ordinance violations.
No jury trials.

SMALL CLAIMS DIVISION
Jurisdiction:
- Civil cases under $1,000. Landlord and tenant.

↑ Indicates route of appeal.

↑ Indicates assignment of cases.

+ The Land Court and Tax Appeal Court hear special cases, but are considered general jurisdiction courts for this report because circuit court judges serve.

HAWAII

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Honolulu; however, the Chief Justice may appoint a different place for the sitting of court, pro tempore. The court sits in continuous session.

[Hawaii Revised Statutes (hereinafter H.R.S.) Section 602-9]

1.2 Organization. The court, which has statewide jurisdiction, does not sit in panels or divisions. Parties are not entitled to a hearing. Hearings are held at the discretion of the court.

[H.R.S. §602-10]

1.3 Jurisdiction

a. The Supreme Court has the power to exercise original jurisdiction in all questions arising under writs directed to courts of limited jurisdiction and returnable before the Supreme Court; or if the court consents to receive the case, arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices. The court has such other jurisdiction as may be expressly conferred by law. The court may issue writs of habeas corpus or orders to show cause. In addition, the court may issue any necessary writs; make and award judgments, decrees, orders, and mandates; issue executions and other processes; and do such other acts and take such other steps as necessary. Bar examinations and the granting of licenses to practice law are under the jurisdiction of the Supreme Court.

b. The Supreme Court has the following appellate jurisdiction and powers:

(1) To hear and determine all questions of law, or of mixed law and fact, which are properly brought before it on any appeal allowed by law from any other court or agency.

(2) To answer, in its discretion, any question of law reserved by a Circuit Court, the Land Court, or the Tax Appeal Court, or any question or proposition of law certified to it by a federal appellate court if the Supreme Court so provides by rule.

(3) To entertain, in its discretion, any case submitted without suit when there is a question in difference that might be the subject of a civil action or proceeding in the Supreme Court, Circuit Court, or Tax Appeal Court, and the parties agree upon a case containing the facts upon which the controversy depends.

c. The Supreme Court has concurrent jurisdiction with the Intermediate Court of Appeals on all of the above matters except bar examinations and licensing of attorneys and except questions reserved by a federal appellate court. These matters are reserved to the Supreme Court.

[H.R.S. §§602-5(1)-(3), 602-5(4)-(7), 605.1, 660]

1.4 Justices (5)

a. The Hawaii Constitution provides for a Chief Justice who is selected in the same manner and for the same term as the other justices.

b. Supreme Court justices may not hold other office under the state or the United States. Justices must have been admitted to the practice of law in the state for at least 10 years.

c. Supreme Court justices are appointed for 10-year terms by the Governor with the consent of the Senate from a list of six nominees submitted to the Governor by the Judicial Selection Commission (Reference Table 12: Characteristics of judicial nominating commissions). If the Senate rejects the nominee, the Governor must select another name. Upon the expiration of their first term, justices who seek reappointment are either retained or retired by the Judicial Selection Commission.

[Constitution, Article V, Section 3; Const. Art. VI, §§2, 3]

1.5 Administration

a. The Chief Justice is the administrative head of the courts. Reference Section 5.1 (General administrative authority). He exercises administration and supervision over the entire court system through the Administrative Director of the Courts, administrative judges, and clerks. The Chief Justice may assign an intermediate appellate court judge or a circuit judge or request a retired justice as provided by law to serve temporarily on the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. Hawaii Revised Statutes §606-1 authorizes the position of Supreme Court clerk. The clerk is appointed by and serves at the pleasure of the Supreme Court. He may issue process, administer oaths, take depositions, and perform all other duties pertaining to the office. He attends and records the proceedings at all sittings of the court.

[Const., Art. VI, §2; H.R.S. §§601-1(a), 606-8]

1.6 Rule-making. Only the Supreme Court has the power to promulgate rules and regulations relating to process, practice, procedure, and appeals in all criminal and civil cases for all courts. These rules and regulations have the force and effect of law. Hawaii Revised Statutes §601-2(b) authorizes the Supreme Court to promulgate specific rules of administration to implement the powers there specified.

[Const., Art. VI, §7; H.R.S. §§601-2(b), 602-11]

Intermediate Appellate Court

2.1 INTERMEDIATE COURT OF APPEALS. The Intermediate Court of Appeals was created by the legislature in 1979 by Act III of Hawaii Session Laws.

The court sits in Honolulu and is in continuous session.

[Hawaii Session Laws, Act III 1979]

2.2 Organization. The court has statewide jurisdiction and consists of a chief judge and two associate judges. Parties are entitled to a hearing before a panel of not less than three intermediate judges (or substitute) judges. It is anticipated that in the future the court will sit in panels, but presently there are only three judges.

[H.R.S. §§602-12, 602-16]

2.3 Jurisdiction

a. The Intermediate Court of Appeals has concurrent jurisdiction with the Supreme Court, excepting bar examinations, subject to assignment of cases by the Chief Justice or his designee. Reference Section 1.3 (Jurisdiction).

Assignment of cases to the Intermediate Court of Appeals and to the Supreme Court is made by the Chief Justice or his designee using the following criteria or other relevant factors:

(1) Whether the case involves a question of first impression or presents a novel legal question; or

(2) Whether the case involves a question of state or federal constitutional interpretation; or

(3) Whether the case raises a question of law regarding the validity of a state statute, county ordinance, or agency regulation; or

(4) Whether the case involves issues upon which there is an inconsistency in the decisions of the Intermediate Court of Appeals or of the Supreme Court; or

(5) Whether the sentence in the case is life imprisonment without possibility of parole.

Cases involving the above questions may be retained in the Supreme Court. All other matters may be assigned to the Intermediate Court of Appeals, taking into consideration the workloads of both courts.

b. At the discretion of the Supreme Court, reassignment of a case to the Supreme Court may be made by certification on the granting of a motion made in the Intermediate Court of Appeals, or by a petition directly to the Supreme Court in cases of imperative or fundamental public importance. The Chief Justice may transfer cases to and from either appellate court.

Appeals from Intermediate Court of Appeals decisions are made by application to the Supreme Court for a writ of certiorari, the granting of which is discretionary with the Supreme Court.

[H.R.S. §§601-2(a), 602-5(9), 602-6, 602-19, 602-20; Supreme Court Rules 27, 30; Intermediate Court of Appeals Rule 16]

2.4 Judges (3)

a. The chief judge is selected using a merit selection plan and serves for a term of 10 years.

b. The qualifications for the chief judge and for associate judges are the same. They must be residents and citizens of Hawaii and of the United States and must have been licensed to practice law in Hawaii for 10 years prior to their being nominated for their posts.

c. Judges of the Intermediate Court of Appeals are selected to serve 10-year terms by appointment by the Governor from individual lists prepared by the Judicial Selection Commission (Reference Table 12: Characteristics of judicial nominating commissions), each of which must contain at least six nominees. The Governor's appointment must be approved by the Senate and if the Senate does not approve, the appointment fails and the Governor must select another name from the list. After their first term expires, judges are retained or retired by the Judicial Selection Commission.

[Const., Art. VI, §3]

2.5 Administration

a. The chief judge supervises the administrative functions of the Intermediate Court of Appeals.

b. There is no provision for an administrator for the Intermediate Court of Appeals. Reference Section 5.2.b (state-level administrator). The chief judge exercises administration of the court under the direction of the Chief Justice and the Administrative Director of the Courts, who assists the Chief Justice with administration.

c. The clerk of the Intermediate Court of Appeals and deputies and assistants (not yet appointed) serve at the pleasure of the judges of the court.

[Administrative Director of the Courts; Const., Art. VI, §6; H.R.S. §§601-2, 601-3; H.R.S. §602-12]

2.6 Rule-making. The Supreme Court promulgates rules for the Intermediate Court of Appeals. Reference Section 1.6 (Rule-making).

Court of General Jurisdiction

3.1.1 CIRCUIT COURT. The Circuit Court sits in continuous session and is always open for the purpose of filing or serving of process.

[Hawaii Rules of Civil Procedure Rule 77(a)]

3.2.1 Organization. The state is divided into four judicial circuits, corresponding to the geographic boundaries of the four counties: the First, Second, Third, and Fifth, which counties are, respectively, Honolulu, Maui, Hawaii, and Kauai. There has been no Fourth Circuit since it was incorporated into the Third in 1943. The Family Court is a division within the Circuit Court designed to deal expressly with juvenile offenders and domestic relations matters. Within each Family Court in each judicial circuit, there are also District Family Courts which decide those cases assigned by the Circuit Family Court judge, or by the senior judge in the case where there is more than one circuit judge authorized to exercise Family Court jurisdiction.

[H.R.S. §§571-11, 571-14 and H.R.S. Chapters 572-577A, 578-584]

3.3.1 Jurisdiction

a. The Circuit Court is the trial court of general jurisdiction. It has exclusive jurisdiction in criminal felony cases. It also has exclusive jurisdiction in civil suits involving more than $5,000. In addition, it has concurrent jurisdiction with the District Court in civil matters involving less than $5,000 but more than $500.

Probate proceedings and determination of heirs, cases involving marital actions, juveniles, and other domestic matters are heard within the Family Court Division.

b. The Circuit Court has jurisdiction over all causes that may properly come before the court on any appeal allowed by law from any other court or agency.

[H.R.S. §§603-21.5, 603-21.8]

3.4.1 Judges (20 and 5 district family judges assigned to Family Court). The Hawaii Revised Statutes provide for the number of circuit judges based on population.

a. There is no provision for a chief judge over all the circuits of the Circuit Court. The Chief Justice of the Supreme Court may appoint administrative judges for the individual circuits that have more than one judge for such a period as the Chief Justice may determine.

b. Circuit Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b (Judges).

c. Circuit Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c (Judges).

[H.R.S. §§601-2, 606-3, 606-4]

3.5.1 Administration

a. Whereas there is no chief judge over all the circuits of the Circuit Court, the administrative judges for the individual circuits manage the business of the courts, subject to the rules of the Supreme Court and the direction of the Chief Justice.

b. There are no provisions for an administrator over all the circuits of the Circuit Court or for administrators for the individual circuits. Reference Section 5.2.b (state-level administrator).

c. The chief clerks for the individual circuits are charged with the responsibility for court administration. They perform the same duties as the Supreme Court clerk. Reference Section 1.5.c.

[H.R.S. §601-2]

3.6.1 Rule-making. The Supreme Court may promulgate rules and regulations for the Circuit Court. Reference Section 1.6 (Rule-making).

[Const., Art. V, §6]

NOTE: For purposes of this report, the Land Court and Tax Appeal Court are categorized as General Jurisdiction Courts since circuit judges serve.

3.1.2 LAND COURT. The Land Court sits in Honolulu, the First Judicial Circuit, but may adjourn to other places as public conveniences require. The Land Court judge so arranges the sessions as to ensure a prompt discharge of the business of the court.

[H.R.S. §§501-1, 501-3]

3.2.2 Organization. There are no specialized divisions of the court.

[H.R.S. §501-1]

3.3.2 Jurisdiction

a. The Land Court, a statewide court of record, has exclusive jurisdiction in all applications for land title registrations, easements, or other rights in registered land within the state, and in all questions arising under such applications.

b. The Land Court has no appellate jurisdiction.

[H.R.S. §501-1]

3.4.2 Judges (1 First Circuit judge serves)

a. There is no provison for a chief judge for the Land Court.

b. The Land Court judge must be a judge of the First Circuit, and therefore must have been a member of the state bar licensed by the Supreme Court for at least 10 years.

c. The Land Court judge is a Circuit Court judge designated by the Chief Justice to serve as judge of the Land Court. He serves until appointment of a successor (10-year maximum unless reappointed to the Circuit Court). All Circuit Court judges are appointed by the Governor from individual lists of at least six nominees submitted by the Judicial Selection Commission (Reference Table 12: Characteristics of judicial nominating commissions). The Senate must approve the appointment. If the Senate disapproves, the appointment fails and the Governor must select another nominee from the list. Retention is in the same manner as for all judges.

[Const., Art. VI, §3; H.R.S. §501-2]

3.5.2 Administration

a. There is no provision for a chief judge for the Land Court.

b. There is no provision for an administrator for the Land Court. Reference Section 3.5.2.c below.

c. The clerk, or registrar, is authorized by statute and serves as clerk of both the Land Court and the Tax Appeal Court. The clerk is charged with the responsibility for court administration. He has custody and control of all papers and documents filed with him. The registrar may, with the sanction of the court, employ such clerks and messengers as are necessary.

[H.R.S. §§232-9, 501-6, 501-7; Administrative Director of the Courts]

3.6.2 Rule-making. The Supreme Court may promulgate rules and regulations for the Land Court. Reference Section 1.6 (Rule-making).

[Const., Art. VI, §7]

3.1.3 TAX APPEAL COURT. The Tax Appeal Court commences sessions not later than July 1st of each year. The court may adjourn from time to time and may hold special sessions. Sessions of the Tax Appeal Court, a statewide court of record, are held "at such places as determined" by the court, which sits in Honolulu, the First Judicial Circuit.

[H.R.S. §§232-8, 232-10]

3.2.3 Organization. There are no specialized divisions of the court.

[H.R.S. §232-8]

3.3.3 Jurisdiction

a. The Tax Appeal Court has original jurisdiction in all disputes between the assessor and taxpayer. The Tax Appeal Court's jurisdiction is limited to the amount of the taxes or valuation in dispute.

b. The Tax Appeal Court has no appellate jurisdiction.

[H.R.S. §232-13]

3.4.3 Judges (1 First Circuit judge serves)

a. There is no provision for a chief judge for the Tax Appeal Court.

b. The Tax Appeal Court judge must meet the same qualifications as the judge of the Land Court. Reference Section 3.4.2 (Judges).

c. The Tax Appeal Court judge is selected in the same manner and for the same term as the judge of the Land Court. Retention is in the same manner. Reference Section 3.4.2 (Judges).

[H.R.S. §232-8]

3.5.3 Administration

a. There is no provision for a chief judge for the Tax Appeal Court.

b. There is no provision for an administrator for the Tax Appeal Court. Reference Section 3.5.3.c below.

c. The clerk, or registrar, is authorized by statute and serves as clerk for both the Tax Appeal Court and the Land Court. The clerk is charged with the responsibility for court administration. Reference Section 3.5.2.c.

[H.R.S. §§501-6, 232-9; Administrative Director of the Courts]

3.6.3 Rule-making. Only the Supreme Court may promulgate rules and regulations for the Tax Appeal Court. Reference Section 1.6 (Rule-making).

[Const., Art. VI, §7]

Court of Limited or Special Jurisdiction

4.1 DISTRICT COURT. The District Court holds sessions as often as the District Court judges deem essential.

[H.R.S. §604-1]

4.2 Organization. A District Court is established in each of the four judicial circuits in Hawaii. There is a Small Claims Division of the District Court.

[H.R.S. §§604-1, 633-27]

4.3 Jurisdiction

a. The District Court conducts preliminary hearings in felony cases originating in the circuits. The court has jurisdiction over all criminal offenses punishable by a fine or imprisonment of less than 1 year, except over offenses that require indictment by a grand jury. The court also has jurisdiction in all ordinance violations.

The court has exclusive original jurisdiction in civil matters where the amount in controversy does not exceed $1,000, concurrent jurisdiction with the Circuit Court where the amount is between $1,000 and $5,000, and jurisdiction in ejectment suits regardless of the counterclaim. The court has no jurisdiction over actions questioning title to land, most intentional torts, nor over civil jury trials.

The Small Claims Division has jurisdiction over cases for the recovery of money where the amount claimed does not exceed $1,000 and where the parties elect the procedure of the Small Claims Division. This division has exclusive jurisdiction over security deposit disputes between landlords and tenants.

b. The District Court has no appellate jurisdiction.

[H.R.S. §§604-5, 604-8, 604-11, 633-27; Act 169, Hawaii Sessions Laws 1980]

4.4 Judges (18)

a. The Chief Justice may appoint an administrative judge in any multi-judge district court jurisdiction, who serves in this role for such periods as the Chief Justice may determine.

b. District Court judges must reside in the judicial circuit to which they are appointed, and must be members of the state bar with at least 5 years of practice in Hawaii.

c. District Court judges are appointed by the Chief Justice of the Supreme Court for 6-year terms from a list of six nominees presented to the Chief Justice by the Judicial Selection Commission (Reference Table 12: Characteristics of judicial nominating commissions). They need not be approved by the state Senate. District judges are retained in the same manner as all other judges.

[Const., Art. VI, §3; H.R.S. §§604-1, 604-2; Administrative Director of the Courts]

4.5 Administration

a. Duties of the administrative judges for the districts are not specifically articulated. They are expected to carry out the policies and rules of the Chief Justice and the Supreme Court in the efficient daily operation of the District Courts.

b. There are no provisions for administrators for the District Court. Reference Section 5.2.b (state-level administrator).

c. The District Court clerks may issue process, administer oaths, take depositions, and perform all other duties pertaining to their offices. They also attend and record the proceedings at all sittings of courts of record.

[Administrative Director of the Courts]

4.6 Rule-making. The Supreme Court may promulgate rules and regulations for the District Court; however, judges of the District Court may amend rules of practice with approval of the Supreme Court. Reference Section 1.6 (Rule-making).

[Const., Art. V, §6; District Court Rules of Civil Procedure, Rule 83]

State-Level Administration

5.1 General administrative authority. The Hawaii Constitution names the Chief Justice of the Supreme Court as the administrative head of the courts. Reference Section 1.5.a (Administration). Among his responsibilities are the following:

a. He may assign judges from one circuit to another for temporary service.

b. With the approval of the Supreme Court, he appoints an Administrative Director to serve at his pleasure.

c. When necessary he may assign a circuit judge or Intermediate Court of Appeals judge to serve temporarily on the Supreme Court.

d. As prescribed by law, he may request retired justices to serve temporarily on the Supreme Court.

e. He reports to the legislature at each regular session on the business of the judiciary and on the administration of justice in the state.

f. He presents to the legislature a unified budget, a 6-year program and financial plan, and a variance report for all programs of the judiciary.

g. He directs the administration of the judiciary, with responsibility for the efficient operation of the courts and the expeditious dispatch of all judicial business.

h. In Circuit Courts with more than one judge, he may assign calendars among judges and appoint an administrative judge to manage the business of the court.

i. He may prescribe for all courts a uniform system of keeping and periodically reporting statistics of their business.

j. He may procure for all courts estimates of their appropriations, and review and revise them into a unified budget to be presented to the legislature.

k. He has the power to exercise exclusive authority over the preparation, explanation, and administration of the judiciary budget, programs, plans, and expenditures.

l. He has all powers of administration over judiciary personnel.

[Const., Art. V, §5; Const., Art. VI, §§2, 6; H.R.S. §§601-2(a), 601-2(b)(2), (3), (4), (5); Administrative Director of the Courts]

5.2 Office of the State Court Administrator

a. The Office of the State Court Administrator is authorized by Hawaii State Constitution, Article VI, §6.

b. Administrative Director of the Courts

(1) The Hawaii Constitution authorizes the appointment of an Administrative Director.

(2) The Administrative Director must have been a resident of Hawaii for at least 3 years prior to his appointment. He is appointed by the

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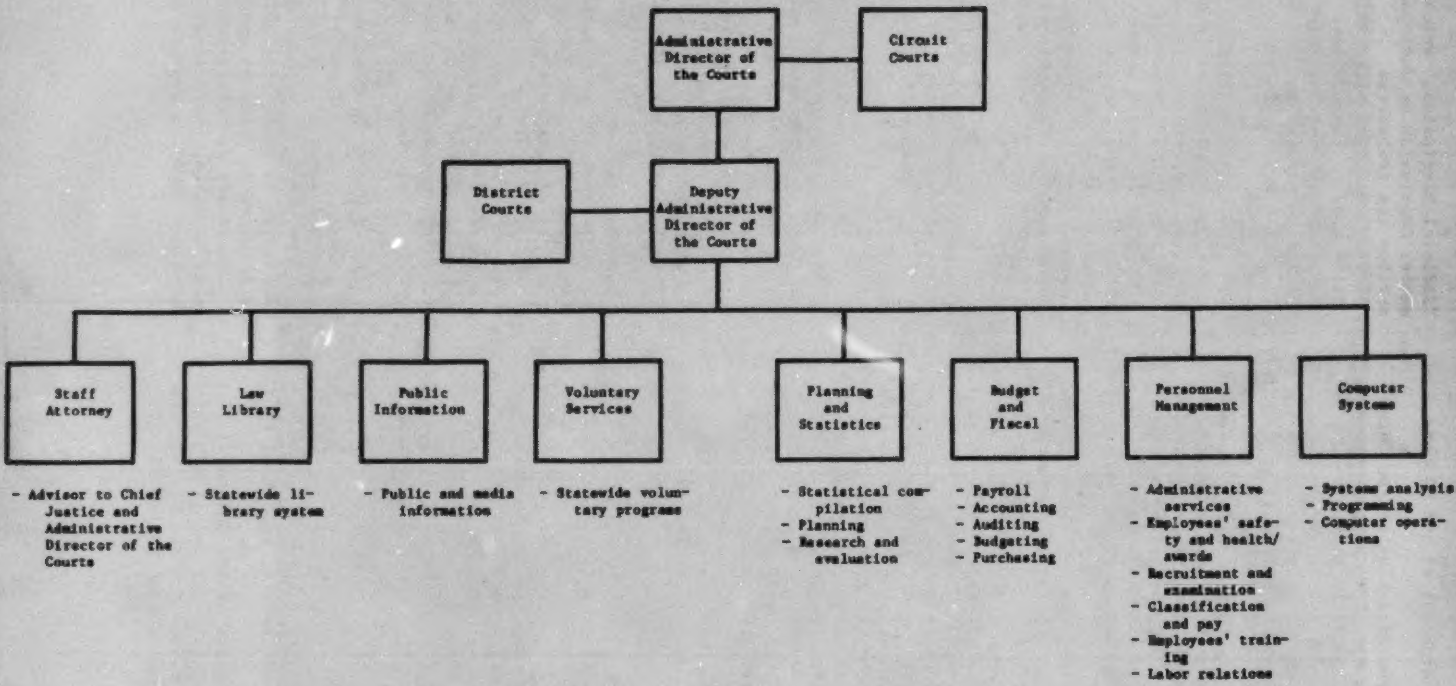
Figure 2: Hawaii state-level administrative office of the courts, 1980


Administrative Director of the Courts
Circuit Courts
District Courts
Deputy Administrative Director of the Courts
Staff Attorney
Law Library
Public Information
Voluntary Services
Planning and Statistics
Budget and Fiscal
Personnel Management
Computer Systems
- Advisor to Chief Justice and Administrative Director of the Courts
- Statewide library system
- Public and media information
- Statewide voluntary programs
- Statistical compilation
- Planning
- Research and evaluation
- Payroll
- Accounting
- Auditing
- Budgeting
- Purchasing
- Administrative services
- Employees' safety and health/awards
- Recruitment and examination
- Classification and pay
- Employees' training
- Labor relations
- Systems analysis
- Programming
- Computer operations

Chief Justice with the approval of the Supreme Court.

(3) Subject to the direction of the Chief Justice, the Administrative Director performs a number of functions including reporting to the Chief Justice statistical and other data concerning the business of the courts, making recommendations to the Chief Justice regarding estimates for appropriations, assisting the Chief Justice in the preparation of the budget and other reports requested by the legislature, and making recommendations to the Chief Justice for improvement in the administrative methods of the courts, carrying out all duties and responsibilities concerning judiciary personnel and such other matters as may be assigned by the Chief Justice.

c. Office organization. The Office of the State Court Administrator consists of 50 people: 28 professionals and 22 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, and field representation; payroll, accounting, auditing, budgeting and purchasing; personnel systems, office management, classification and pay, training and labor relations, and recruitment and examinations; legislative, executive, public, and media information, legislative liaison and executive liaison; and planning and research activities including statistical compilation, judicial planning, research, evaluation, and statistical analysis.

[Const., Art. V, §5; Const., Art. VI, §6; H.R.S. §601-3; State Court Administrators, p. 38]

Quasi-Judicial Officers

6.1.1 DISTRICT COURT
6.2.1 Per diem judge

a. The Chief Justice may appoint per diem judges as may be necessary. Qualifications to serve as per diem judges are the same as for a regular full-time appointment.

b. A per diem judge provides auxiliary judicial functions.

[H.R.S. §604-2]

Judicial Discipline

7.1.1 Commission on Judicial Discipline. The commission consists of seven members, appointed by the Supreme Court.

[Administrative Director of the Courts]

7.2.1 Authority and procedure for sanction. Pursuant to Hawaii Constitution, Article VI, §5, the Supreme Court promulgated Supreme Court Rule 26, "Judicial Discipline," which establishes the 7-member Commission on Judicial Discipline and prescribes its procedures.

The commission has exclusive jurisdiction as to the conduct and competence of all sitting judges whether they serve full-time or part-time.

The commission has the power to:

"(1) Receive information, allegations, and complaints;

(2) Make preliminary evaluations;

(3) Screen complaints;

(4) Conduct investigations;

(5) Conduct hearings; and

(6) Recommend dispositions to the Supreme Court concerning allegations of judicial misconduct or physical or mental disability of judges."

Grounds for discipline include:

" (1) Conviction of a felony;

(2) Willful misconduct in office;

(3) Willful misconduct which, although not related to judicial duties, brings the judicial office into disrepute;

(4) Conduct prejudicial to the administration of justice or conduct that brings the judicial office into disrepute;

(5) Any conduct that constitutes a violation of the Code of Judicial Conduct."

Commission procedures may be initiated "upon any reasonable basis" including written complaints from the public, or other judges, or the Chief Justice; also the commission may proceed upon its own motion. The chronology of procedures is, in general, as follows: After receipt, a complaint is preliminarily screened. If further investigation is deemed warranted, an investigation is made followed by an evaluation. Thereupon the commission may determine that the complaint merits no action, may make a recommendation for action to the Supreme Court or may determine that further proceedings shall be had. If the commission decides the latter, special counsel is appointed to investigate and determine whether a formal hearing is necessary. If counsel determines such a hearing is necessary, formal disciplinary proceedings similar to trial proceedings are commenced pursuant to Supreme Court Rule 26.9. These proceedings culminate in findings and recommendations to the Supreme Court which are reviewed by the Supreme Court. Formal proceedings then are had before the Supreme Court pursuant to Supreme Court Rule 26.10 and upon conclusion of these proceedings, the Supreme Court is required to enter an appropriate order.

There are different special provisions for cases involving physical or mental disability. These are found in Supreme Court Rule 26.13.

IDAHO

Court of Last Resort

1.1 SUPREME COURT. The court is required to hold at least six terms annually, at various locations throughout the state. The Supreme Court or any three justices fix the times for holding these terms.

[Constitution, Article V, Section 8; Idaho Code (hereinafter I.C.) Section 1-208]

1.2 Organization. As a general rule, the Supreme court sits en banc. A majority of the five justices must be present to make a quorum or to pronounce a decision. There are no special provisions instructing the court to sit in panels.

[Const., Art. V, §6; I.C. §§1-206, 1-207]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to hear claims against the state and to issue all writs necessary to complete the exercise of its appellate jurisdiction.

b. The Supreme Court hears appeals from the District Court and will hear appeals from the Court of Appeals after its implementation (anticipated for July 1, 1981), as well as from orders of the Public Utilities Commission and the Industrial Accident Commission.

[Const., Art. V, §9; I.C. §§1-203, 1-204]

1.4 Justices (5)

a. The elected justice with the shortest time remaining in office serves as Chief Justice.

b. Supreme Court justices must be qualified voters of the state of Idaho, must be licensed attorneys, must be at least 30 years old but not older than 70 at the time of election, and must have been residents of Idaho for 2 years.

c. Supreme Court justices are elected to 6-year terms on a nonpartisan ballot by voters of the state at large. A nominating election is held prior to the judicial election. The Governor fills vacancies from a list of two to four qualified persons nominated by the Judicial Council (reference Table 12: Characteristics of judicial nominating commissions). The appointee holds office until his successor is elected and qualified in such manner as may be provided by law.

[Const., Art. IV, §6, Art. V, §6, Art. XI, §7; I.C. §§1-201, 1-2102, 34-701, 34-702, 34-703; State Court Systems, p. 6]

1.5 Administration

a. The Supreme Court has responsibility for the general administration of the courts. Appointive power, as well as other administrative responsibilities, rests with the court as a whole. The Supreme Court exercises administration and supervision of the entire court system through the Chief Justice, the Administrative Director of the Courts, administrative judges, and trial court administrators. The Chief Justice schedules meetings, runs case conferences, and presides at court meetings and hearings.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by and serves at the pleasure of the Supreme Court. He has supervisory power over three secretaries (assistant clerks). There are no formal provisions for assigning administrative duties to the clerk.

[Const., Art. V, §15; I.C. §1-401 to §1-410; Administrative Director of the Courts]

1.6 Rule-making. The legislature is constitutionally prohibited from depriving the judiciary of any power or jurisdiction that rightly pertains to it as a coordinate department of government. The power of the Supreme Court to make rules governing the procedure of all courts in Idaho is recognized by statute. The Supreme Court establishes the forms of process, and practice and procedure for courts in the state. These rules must be promulgated in such a way as to have no effect on the substantive rights of any litigant. The Supreme Court is authorized to appoint members of the Idaho Bar or judges from the District Court or Court of Appeals to assist in the formulation of such rules. The Supreme Court is responsible for the administration of the courts.

[Const., Art. V, §§2, 13; I.C. §§1-212, 1-213, 1-214]

Intermediate Appellate Court

(Court of Appeals is to be implemented July 1, 1981. Legislation to be introduced January 1981 may alter the court structure presented in this section.)

2.1 COURT OF APPEALS. The Court of Appeals will sit in Boise, but may also sit in such other places as it considers convenient for the conduct of its business.

[I.C., Title I, Chapter 24, §1-2407]

2.2 Organization. The Court of Appeals will sit in panels of not less than three judges. Active or retired district judges, retired justices of the Supreme Court, and retired justices of the Court of Appeals may be assigned to serve on a panel of the Court of Appeals.

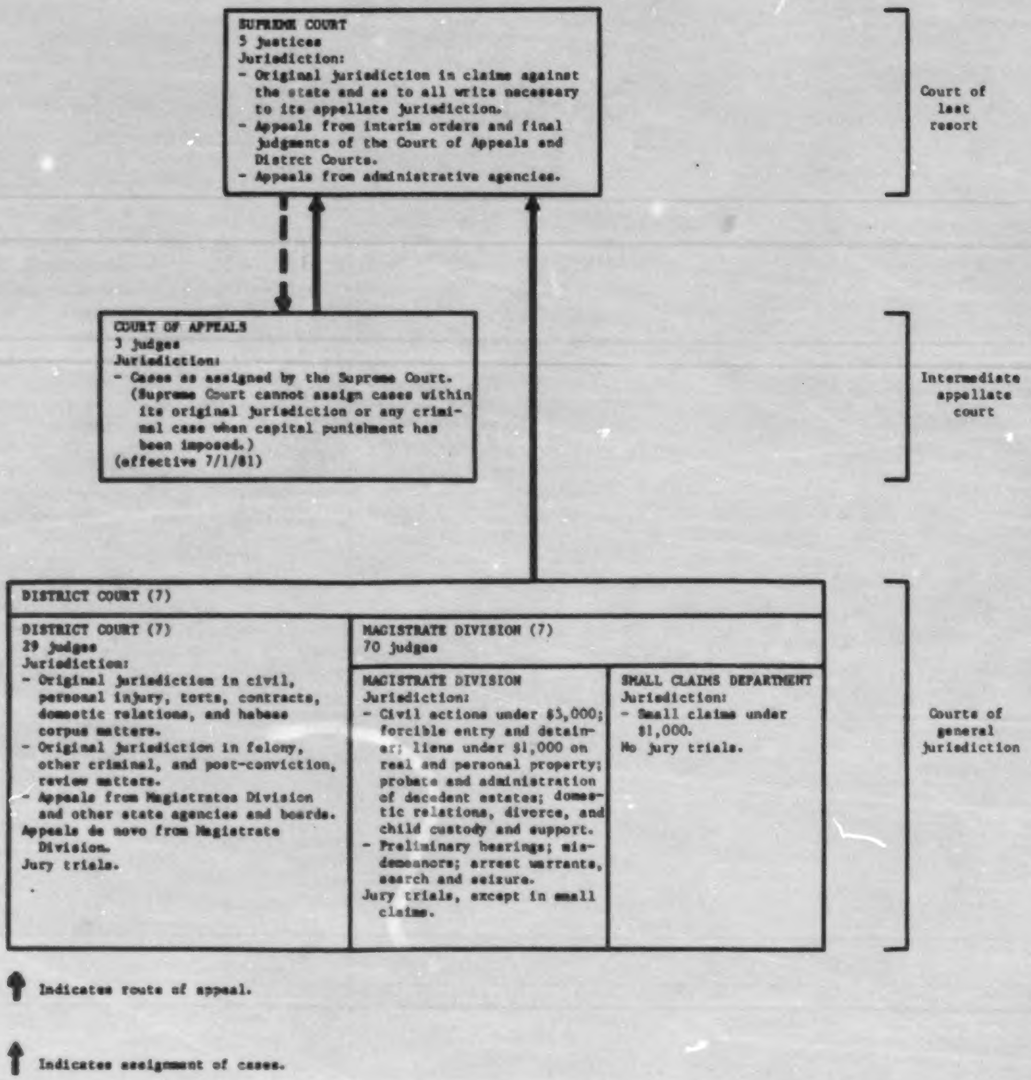
[I.C., Title I, Chapter 24, §§1-2404, 24051]

2.3 Jurisdiction

a. The Court of Appeals has been given jurisdiction to hear and to decide all cases assigned to it by the Idaho Supreme Court, providing that the Supreme Court does not assign cases invoking its original jurisdiction or appeals from imposition of sentences of capital punishment in criminal cases.

b. The Supreme Court may transfer nonargued appeals pending before it to the Court of Appeals for hearing and decision. The Court of Appeals may transfer a nonargued case back to the Supreme Court. The right of appeal is not created where

Figure 1: Idaho court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Original jurisdiction in claims against the state and as to all writs necessary to its appellate jurisdiction.
- Appeals from interim orders and final judgments of the Court of Appeals and Distrct Courts.
- Appeals from administrative agencies.

COURT OF APPEALS
3 judges
Jurisdiction:
- Cases as assigned by the Supreme Court. (Supreme Court cannot assign cases within its original jurisdiction or any criminal case when capital punishment has been imposed.)

(effective 7/1/81)

DISTRICT COURT (7)

DISTRICT COURT (7)
29 judges
Jurisdiction:
- Original jurisdiction in civil, personal injury, torts, contracts, domestic relations, and habeas corpus matters.
- Original jurisdiction in felony, other criminal, and post-conviction, review matters.
- Appeals from Magistrates Division and other state agencies and boards.

Appeals de novo from Magistrate Division.
Jury trials.

MAGISTRATE DIVISION (7)
70 judges

MAGISTRATE DIVISION
Jurisdiction:
- Civil actions under $5,000; forcible entry and detainer; liens under $1,000 on real and personal property; probate and administration of decedent estates; domestic relations, divorce, and child custody and support.
- Preliminary hearings; misdemeanors; arrest warrants, search and seizure.

Jury trials, except in small claims.

SMALL CLAIMS DEPARTMENT
Jurisdiction:
- Small claims under $1,000.

No jury trials.

↑ Indicates route of appeal.

↑ Indicates assignment of cases.

such right is not otherwise provided or created by law.

[I.C., Title I, Chapter 24, §1-2406]

2.4 Judges (3)

a. The chief judge will be appointed by the Chief Justice of the Supreme Court. The term for the chief judge has not been set.

b. Judges of the Court of Appeals must be 30 years of age, must be citizens of the United States, must be admitted to the practice of law in Idaho, and must have been residents of Idaho for 2 years.

c. Initially, judges of the Court of Appeals will be appointed by the Governor. One judge shall be appointed for a term of 2 years, one judge shall be appointed for a term expiring 2 years later, and one judge shall be appointed for a term expiring 2 further years later. Thereafter, the term of office of a judge of the Court of Appeals shall be 6 years. Vacancies will be filled in the same manner as for Supreme Court justices or district judges. Reference Section 1.4.

[I.C., Title I, Chapter 24, §1-2404, 2408]

2.5 Administration

a. The chief judge will exercise administrative powers as may be delegated by the full membership of the Court of Appeals, not in conflict with Supreme Court rules.

b. There are no provisions for an administrator over the Court of Appeals. Reference Section 5.2.b.

c. The clerk of the Supreme Court will serve as the clerk of the Court of Appeals.

[I.C., Title I, Chapter 24 §§1-2407, 2408]

2.6 Rule-making. The Court of Appeals will be subject to administration and supervision by the Supreme Court.

[I.C., Title I, Chapter 24, §1-2403]

Court of General Jurisdiction

3.1 DISTRICT COURT. All courts operate in continuous session.

[Rules of Civil Procedure, Rule 77a]

3.2 Organization. Idaho is divided into seven multi-county districts. The District Court has two specialized divisions: the Magistrate Division and the Small Claims Department of the Magistrate Division.

[I.C. §1-801]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all cases and proceedings. It has power to issue all writs necessary for the exercise of its powers.

The Magistrate Division of the District Court hears certain limited categories of cases that are filed in the District Court. Subject to rules promulgated by the Supreme Court, the administrative judge in each judicial district determines which cases are to be assigned to the magistrates, as provided by law. The Magistrate Division may hear misdemeanor and quasi-criminal proceedings, proceedings to prevent the commission of crimes, proceedings for arrest warrants or for searches and seizures, and juvenile proceedings as established by statute. In addition, the Magistrate Division may hear civil cases when the value of the damages requested does not exceed $5,000; proceedings of forcible entry and detainer, unlawful detainer, and statutory liens of less than $5,000; and domestic relations cases. The Supreme Court may by rule specify additional categories of matters assignable to magistrates who are attorneys. Any magistrate may be assigned internal administrative functions of the court.

In every Magistrate Division of the District Court, the court may organize and create a Small Claims Department. The department has jurisdiction only in cases for the recovery of money where the amount in question does not exceed $1,000 and where the defendant resides in the county of the Magistrate Division.

b. The District Court has appellate jurisdiction over all cases assigned to the Magistrate Division of the District Court, and in other types of cases where appeal is allowed by law, such as from the decisions of certain state administrative agencies.

[Const., Art. V, §20; I.C. §§1-705, 1-2201, 1-2208, 1-2209, 1-2210, 1-2213, 1-2301; Administrative Director of the Courts]

3.4 Judges (29) and Magistrates (70). The Idaho Code states that each judicial district must have between three and five District Court judges.

a. There is no provision for a chief judge over all the District Courts. The code authorizes an administrative judge for each judicial district, who is elected by the district judges in his district. If the majority cannot agree, a majority of the Supreme Court justices make the appointment. The administrative judge serves at the pleasure of the other district judges in that judicial district. If he was appointed by the Supreme Court, however, he serves a term of no more than 2 years.

b. District Court judges must be qualified voters of the state, licensed attorneys, must be between 30 and 70 years of age at the time of election, and must have 5 years legal experience.

Magistrates must be qualified voters of the counties for which they are appointed, except that qualified nonresidents may be appointed when no qualified resident voter is available. A magistrate must have successfully completed high school or earned an equivalency degree. In addition, magistrates are required to attend an institute on the duties and functions of the magistrate's office.

c. District Court judges are elected on a nonpartisan ballot by the voters of their respective districts. They are elected to 4-year terms. Vacancies are filled in the same manner as Supreme Court vacancies. Reference Section 1.4.

Magistrates are appointed to 2-year terms on a nonpartisan, merit basis by the District Magistrates Commission. They must then run for 4-year elective retention-type terms.

[Const., Art. V, §23; I.C. §§1-702, 1-703, 1-801 to 1-808, 1-2205, 1-2206, 1-2207, 1-2220, 34-701; State Court Systems, p. 6; Administrative Director of the Courts]

3.5 Administration

a. Whereas there is no chief judge over all the districts of the District Court, the administrative judge in each judicial district, subject to Supreme Court rules, has administrative supervision and authority over the operations of the District Court and magistrates in the district.

b. There is no provision for an administrator over all the districts of the District Court. A trial court administrator for each of the 7 judicial districts may be selected. Desirable education and experience include a college degree with an administration major and either experience in an administrative capacity or a law degree. Trial court administrators are selected by the administrative judges, with approval of the Administrative Director of the Courts. Six of the trial court administrators are appointed as judges of the

Magistrate Division and perform judicial duties in addition to their administrative function. Under the supervision of the administrative judges, the trial court administrators assist in the overall management of court operations within their districts, with particular emphasis on the Magistrate Division. They assist in preparing budgets for court facilities and county-funded support staff, work with jury commissioners, supervise court information reports and analyze statistical reports, perform nonjudicial public information duties, serve as liaison with law enforcement and other public officials, maintain personnel records for state judicial employees in the district, and assign cases and perform calendaring functions under the direction of the administrative judges.

c. Clerks of the District Court are elected to 4-year terms by the voters of their districts. They have responsibilities as determined by the court.

[Const., Art. V, §16; I.C. §1-907; 1976 Annual Report, p. 8; Idaho Judicial Personnel Policies, pp. 63, 64]

3.6 Rule-making. The Supreme Court is empowered to make all rules concerning procedure in the District Courts. In all cases where no existing rule applies, the District Court has the power to make rules so long as they are not inconsistent with statute or with the rules made by the Supreme Court.

[I.C. §§1-105, 1-212; Idaho Rules of Civil Procedure, Rule 83]

Court of Limited or Special Jurisdiction

4.0 There are no courts of limited or special jurisdiction in Idaho.

State-Level Administration

5.1 General administrative authority. The responsibility for the general administration of the courts in Idaho rests with the Supreme Court. Reference Section 1.5.a.

[Const., Art. V, §2]

5.2 Office of the Administrative Director of the Courts

a. The office of the Administrative Director of the Courts is established by Idaho Code §1-611.

b. Administrative Director of the Courts

(1) The position of Administrative Director of the Courts is authorized by Idaho Code §1-611.

(2) In order to meet the qualifications for this position, an applicant must be admitted to the practice of law in Idaho and must be licensed by the Idaho State Bar Commission. These requirements may be waived for a qualified applicant who is licensed to practice in the highest court of another state and who agrees to become licensed to practice in Idaho within a time period specified by the Idaho Supreme Court. The Administrative Director of the Courts is appointed by the Supreme Court.

(3) The following are examples of work performed by the Administrative Director:

(a) Supervises development and implementation of a judicial management information system.

(b) Organizes fiscal operations for the judicial system; supervises preparation of appropriations requests; monitors judicial expenditures; reviews and approves operational expenses, travel expenses, and capital expenditures; and recommends personnel salaries to the Supreme Court.

(c) Supervises administrative staff; establishes personnel standards for court employees; develops personnel handbook for judiciary; approves personnel requests; and has authority for selection and dismissal of administrative personnel.

(d) Prepares long-range plans for the Supreme Court and recommends programs for improvement of the judicial system.

(e) Develops comprehensive judicial education programs; seeks federal funding for educational activities; conducts judicial training seminars; and approves out-of-state seminar attendance.

(f) Resolves technical administrative problems by interpreting the court rules, policies, orders, directives, and procedures, including proper application to specific cases; drafts rules revisions, court orders, or legal memoranda, when directed by the court.

(g) Prepares and distributes a report to the Supreme Court and Governor concerning judicial operations during the calendar year.

(h) Manages the statewide court system.

c. Office organization. The Office of the Administrative Director of the Courts consists of 9 people: 4 professionals (including the Administrative Director of the Courts) and 5 clerical personnel. The professional staff provides support services in the following areas: programming; payroll, accounting, auditing, budgeting, and purchasing; and education, training, and publications.

[I.C. §§1-611, 1-612; Idaho Judicial Personnel Policies, pp. 18, 19; Administrative Office of the Courts]

Quasi-Judicial Officers

6.0 There are no quasi-judicial officers in Idaho.

Judicial Discipline

7.1 Judicial Council. The Judicial Council consists of seven members as follows: three attorneys, one of whom must be a district judge, appointed by the Board of Commissioners of the Idaho State Bar with the consent of the Senate; three non-attorneys appointed by the Governor with the consent of the Senate; and the Chief Justice of the Supreme Court, who serves as chairman.

[I.C. §1-2101]

7.2 Authority and procedure for sanction. The Judicial Council may, after such investigation as it deems necessary, order a hearing to be held before it concerning the removal, discipline, or retirement of a justice or judge; or the council may request the Supreme Court to appoint three special masters (justices or judges) to hear and take evidence in such matters and report their findings to the council. After hearing the report of the special masters, if the council finds good cause, it may then recommend the removal, discipline, or retirement of the justice or judge. The Supreme Court will review the record and may permit the introduction of additional evidence. The court can then order removal, discipline, or retirement, or may reject the recommendation. If retired, the judge may receive retirement benefits; if removed, his salary ceases from the date of the order. All papers filed with and the proceedings before the Judicial Council or special masters are confidential.

[I.C. §1-2103]

Figure 2: Idaho state-level administrative office of the courts, 1980

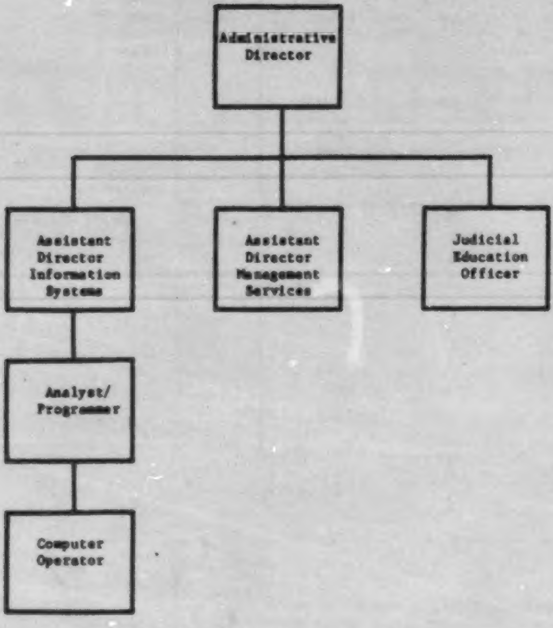
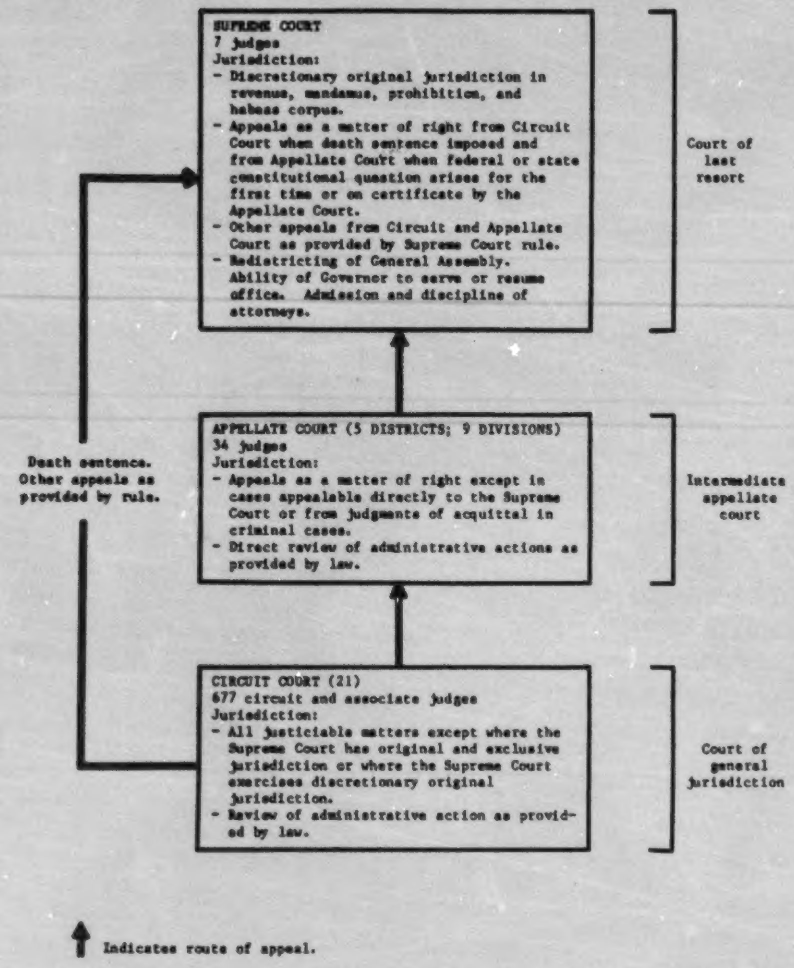

Administrative Director
Assistant Director Information Systems
Assistant Director Management Services
Judicial Education Officer
Analyst/ Programmer
Computer Operator

Figure 1: Illinois court system, 1980



SUPREME COURT
7 judges
Jurisdiction:
- Discretionary original jurisdiction in revenue, mandamus, prohibition, and habeas corpus.
- Appeals as a matter of right from Circuit Court when death sentence imposed and from Appellate Court when federal or state constitutional question arises for the first time or on certificate by the Appellate Court.
- Other appeals from Circuit and Appellate Court as provided by Supreme Court rule.
- Redistricting of General Assembly. Ability of Governor to serve or resume office. Admission and discipline of attorneys.

APPELLATE COURT (5 DISTRICTS; 9 DIVISIONS)
34 judges
Jurisdiction:
- Appeals as a matter of right except in cases appealable directly to the Supreme Court or from judgments of acquittal in criminal cases.
- Direct review of administrative actions as provided by law.

CIRCUIT COURT (21)
677 circuit and associate judges
Jurisdiction:
- All justiciable matters except where the Supreme Court has original and exclusive jurisdiction or where the Supreme Court exercises discretionary original jurisdiction.
- Review of administrative action as provided by law.

Death sentence. Other appeals as provided by rule.
Court of last resort
Intermediate appellate court
Court of general jurisdiction

Indicates route of appeal.

ILLINOIS

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Springfield, the state capital, and periodically in Chicago, and meets for terms beginning on the second Monday in September, November, January, March, and May of each year.

[Constitution, Article VI, Section 1; Illinois Revised Statutes (hereinafter Ill. Rev. Stat.), Chapter 37, §6]

1.2 Organization. The court does not sit in panels or divisions. Four judges constitute a quorum and the concurrence of four judges is necessary for a decision.

[Const., Art. VI, §3]

1.3 Jurisdiction

a. The Supreme Court has discretionary original jurisdiction over cases relating to revenue, mandamus, prohibition, or habeas corpus, and jurisdiction as may be necessary to complete determination of cases on review. The court has original and exclusive jurisdiction in cases relating to redistricting the General Assembly and the ability of the Governor to serve or resume office. The court also has jurisdiction over the admission and discipline of attorneys by Supreme Court rules.

b. The Supreme Court has appellate jurisdiction over appeals as a matter of right from judgments of the Circuit Court imposing the death sentence. The court will provide by rule for direct appeal from the Circuit Court in other cases. The Supreme Court also has appellate jurisdiction over appeals from the Appellate Court as a matter of right if a constitutional question arises for the first time from an Appellate Court action, or on certification by the Appellate Court. The court may provide by rule for appeals from the Appellate Court in other cases.

[Const., Art. IV, §3, Art. V, §6, Art. VI, §4; Supreme Court Rule 701 *et. seq.*]

1.4 Judges (7)

a. The Chief Justice is elected to a 3-year term by his peers.

b. Supreme Court judges must be United States citizens, must be licensed attorneys-at-law in Illinois, and must be residents of their judicial districts. Of the seven Supreme Court judges, three are selected from the First Judicial District (Cook County), and one from each of the other four districts.

c. Supreme Court judges are initially elected on partisan ballots at general or judicial elections. The candidates can be nominated by party primary or by petition. Reelection is by nonpartisan retention ballot. A judge who seeks to be retained must declare on or before the first Monday in December before the general election preceding the expiration of his term of office. A three-fifths majority vote is needed for retention. Supreme Court judges serve 10-year terms. Vacancies may be filled by Supreme Court appointment, or as provided by law.

[Const., Art. VI, §§3, 10, 11, 12; Ill. Rev. Stat., Ch. 46, §7A-1; Director of the Administrative Office of the Illinois Courts]

1.5 Administration

a. General administrative and supervisory authority over the entire court system is vested in the Supreme Court. The Chief Justice exercises this power partially through the Adminstrative Director. Administrative authority is also exercised through the Executive Committee of the First Appellate District and through Circuit Court chief judges by means of trial court administrators or administrative secretaries, subject to the authority of the Supreme Court. Reference Sections 3.5 and 5.1. The Chief Justice has no specifically defined duties, however, in regard to the administration of the Supreme Court.

b. The Supreme Court employs an assistant who serves as director of the research department. Reference Section 5.2.b (state-level administrator).

c. The clerk's position is authorized by the Illinois Constitution, and he is appointed by the Supreme Court. The clerk performs clerical duties only.

[Const., Art. VI, §§16, 18; Ill. Rev. Stat., Ch. 25, §13; Supreme Court Rule 24; Director of the Administrative Office of the Illinois Courts]

1.6 Rule-making. The Supreme Court has the power to make rules of pleading, practice, and procedure for the Supreme, Appellate, and Circuit Courts, in order to provide for the convenient administration of justice and to simplify judicial procedure. There is a standing Supreme Court Committee on Supreme Court Rules composed of judges and lawyers; ad hoc committees are appointed as needed. General administrative authority over all courts is vested in the Supreme Court and is exercised by the Chief Justice in accordance with its rules.

[Const., Art. VI, §16; Civil Practice Act §2; Director of the Administrative Office of the Illinois Courts]

Intermediate Appellate Court

2.1 APPELLATE COURT. The Appellate Court sits at times and places prescribed by Supreme Court rule.

[Const., Art. VI, §§2, 5; Supreme Court Rule 22].

2.2 Organization. Illinois is divided into five judicial districts. The First District consists of Cook County; the remainder of the state is divided by law into four multi-county districts of substantially equal population. The Supreme Court prescribes by rule the number of appellate divisions in each judicial district, but there must be at least one in each. Each Appellate Division has at least three judges; assignment of appellate judges to divisions is made by the Supreme Court. The First District has five divisions; the Second, Third, Fourth, and Fifth Districts have one division each.

[Const., Art. VI, §§2, 5; Supreme Court Rule 22(a); Director of the Administrative Office of the Illinois Courts]

2.3 Jurisdiction

a. The Appellate Court has original jurisdiction to complete determination of any case on review, when necessary.

b. Appeals from final judgments of the Circuit Court are a matter of right to the Appellate Court in the judicial district in which the Circuit Court is located, except in cases appealable directly to the Supreme Court. The court has jurisdiction to provide direct review of administrative actions as provided by law. The court also has jurisdiction over such other matters as may be provided by Supreme Court rule.

[Const., Art. VI, §6]

2.4 Judges (34)

a. The Appellate Court does not have a chief judge over all the divisions. There is a presiding judge, however, for each division who is chosen by his peers. Presiding judges serve 1-year terms.

b. Appellate Court judges must meet the same qualifications as Supreme Court judges. Reference Section 1.4.b.

c. Appellate Court judges are selected in the same manner and for the same term as Supreme Court judges. Reference Section 1.4.c.

[Supreme Court Rule 22(d); Director of the Administrative Office of the Illinois Courts]

2.5 Administration

a. Whereas there is no provision for a chief judge over all the divisions of the Appellate Court, each Appellate Court Division has a presiding judge. There are no formal provisions established in the Illinois Constitution, statutes, or Supreme Court Rules delineating the administrative authority or other responsibilities of the presiding judges. The research department in each district, however, performs duties assigned by the presiding judge, or in the case of the First District, by the Executive Committee. The Executive Committee of the First Appellate District (made up of a judge from each of the five divisions) exercises general administrative authority.

b. There is no formal provision for an administrator over all districts of the Appellate Court; however, the First District has an administrative assistant who performs some duties associated with administration. In the other districts, administrative assistants or the Appellate Court clerk perform administrative duties. Reference Section 5.2.b (state-level administrator).

c. Clerks are appointed by the judges of each judicial district. They generally perform clerical duties only.

[Const., Art. VI, §18; Ill. Rev. Stat., Ch. 37 §27; Supreme Court Rule 22 (d)(f), 24; Director of the Administrative Office of the Illinois Courts]

2.6 Rule-making. Subject to Supreme Court rules, Appellate Courts may make rules regulating their dockets, calendars, and business. A majority of the Appellate Court judges may adopt rules governing criminal and civil cases consistent with Supreme Court rules and Illinois statutes, which will be uniform throughout the state.

[Supreme Court Rule 21; Civil Practice Act §2(2)]

Court of General Jurisdiction

3.1 CIRCUIT COURT. The court sits in continuous session.

[Director of the Administrative Office of the Illinois Courts]

3.2 Organization. The state is divided into 21 judicial circuits. Two circuits, Cook County and the 18th Circuit (DuPage County), each consist of a single county. The other 19 judicial circuits are composed of two or more contiguous counties. Each judicial circuit has one unified Circuit Court. The chief judges of the circuits have authority to designate appropriate places for holding court. The chief judge may enter general orders providing for general or specialized divisions. The chief judge of any judicial circuit may establish a Marriage Division in any county of the circuit.

[Const., Art. VI, §§7, 7(c); Ill. Rev. Stat., Ch. 37, §72.1; Supreme Court Rules 21(b), 40; Director of the Administrative Office of the Illinois Courts]

3.3 Jurisdiction

a. The Circuit Court has original jurisdiction over all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly, the ability of the Governor to serve or resume office, or where the Supreme Court exercises discretionary original jurisdiction. It also has original jurisdiction to review administrative action as provided by law.

b. The Circuit Court has no appellate jurisdiction.

[Const., Art., VI, §§4, 9]

3.4 Judges (677; 383 circuit judges and 294 associate judges). There are two categories of judges in the Circuit Courts: circuit judges and associate judges. Both categories of judges have the full constitutional jurisdiction conferred on the Circuit Court, however, the Supreme Court, by rule, provides for the matters to be assigned to associate judges. The number of associate judges is provided by law based on the population, the number of resident circuit judges, and the judicial needs of the circuit.

a. There is no provision for a chief judge over all the circuits of the Circuit Court but there is a Conference of Chief Circuit Judges (reference Table 29: Judicial councils and conferences) who considers problems relating to the administration of the Circuit Court. The Conference has a chairman. There are chief judges for the individual circuits, who are selected by secret ballot by the Circuit Court judges and serve at their pleasure.

b. Circuit Court judges and associate judges must meet the same qualifications as Supreme Court judges. Reference Section 1.4.b. Circuit Court judges must also be residents of the units that select them. In addition, at least one-fourth of the associate judges in the First Judicial District (Cook County) must reside outside Chicago.

c. All judges in the Circuit Court are selected in the same manner as Supreme Court judges. Reference Section 1.4.c. Associate judges are elected by the Circuit Court judges in each circuit as provided by Supreme Court rule. Circuit Court judges serve 6-year terms. Associate judges serve 4-year terms.

[Const., Art. VI, §§7(c), 8, 10; Ill. Rev. Stat., Ch. 37, §160.2; Supreme Court Rules 39, 39(a), 42, 295; 1974 Annual Report, p. 26; Courts of Limited Jurisdiction, p. 92; Director of the Administrative Office of the Illinois Courts]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, the chief judges for the individual circuits have general administrative authority over their courts, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court. This authority is subject to the authority of the Supreme Court.

b. There is no provision for an administrator over all the circuits of the Circuit Court. Seven circuits have trial court administrators who are appointed by the chief judge of the circuit. In each of the other circuits, an administrative secretary to the chief judge performs many, if not most, of the duties associated with a trial court administrator. Administrative secretaries are appointed by the chief judges. Their responsibilites include the following:

(1) Implementation in administrative matters of policies established by the Supreme Court, the Administrative Director, or the chief judge.

(2) Preparation of the budget for the Circuit Court.

(3) Assisting the chief judge in recruiting, hiring, training, evaluating, and supervising the nonjudicial personnel of the Circuit Court.

(4) Management of space, equipment, and facilities of the Circuit Court.

(5) Procurement of supplies and services for the Circuit Court.

(6) Preparation of reports, as required, concerning the administrative operation of the Circuit Court.

(7) Juror management.

(8) Study and improvement of caseflow and calendaring.

(9) Development of improved methods for court operations, in particular, the adoption of applicable modern business and data processing techniques.

c. One clerk of the Circuit Court of each county is elected for a 4-year term as provided by law and holds office until his successor is elected. Circuit Court clerks perform clerical duties only.

[Const., Art. VI, §7(c); Ill. Rev. Stat., Ch. 25, §§1, 13, Ch. 46, §2A-15; 1974 Annual Report p. 57; Director of the Administrative Office of the Illinois Courts]

3.6 Rule-making. Subject to rules of the Supreme Court, the Circuit Court may make rules regulating dockets, calendars, and business. A majority of circuit judges in each circuit may adopt rules that will be uniform throughout the state governing criminal and civil cases consistent with Illinois statutes and Supreme Court rules. The Circuit Court may make rules for the orderly disposition of business.

[Ill. Rev. Stat., Ch. 37, §72.28; Supreme Court Rule 21(a); Civil Practice Act §2(2)]

Court of Limited or Special Jurisdiction

4.0 There are no courts of limited or special jurisdiction.

State-Level Administration

5.1 General administrative authority. General administrative and supervisory authority over all courts is vested in the Supreme Court and is exercised by the Chief Justice in accordance with Supreme Court rules. Reference Section 1.5.a. The Chief Justice may make changes in assignments of appellate judges, or temporarily assign judges to any division. The Supreme Court may assign judges temporarily to any court and assign retired judges to judicial service.

[Const., Art. VI, §§15(a), 16; Supreme Court Rule 22(b)]

5.2 Administrative Office

a. The Administrative Office is authorized by the Illinois Constitution, Art. VI, §16.

b. Administrative Director

(1) The position of Administrative Director is authorized by the Illinois Constitution, Art. VI, §16.

(2) The Administrative Director is informally required to have a law degree. He is selected by the Supreme Court.

(3) The Administrative Director has a number of responsibilities relating to personnel and fiscal management, the collection and analysis of useful information, secretariat functions for several court commissions and committees, and public information.

c. Office organization. The Administrative Office maintains two offices: the headquarters is in Springfield and the other is in Chicago. The offices consist of 36 people: 11 professionals (including the Administrative Director) and 25 clerical personnel. The professional staff provides support services in the following areas: systems analysis, computer operations, records management, and forms development; probation coordination, court reporting, trial court administration, court coordination, facilities management, and other court services; accounting, budgeting, and purchasing; education, library services, and publications; personnel systems, office management, and judicial assignments; legislative, executive, public, and media information, legislative liaison, and executive liaison; and in planning and research activities, which include statistical compilation, judicial planning, research, evaluation, statistical analysis, legal services, and legislative drafting.

[Const., Art. VI, §16; 1974 Annual Report, pp. 52-53, 65-66, 72-73; Supreme Court Rule 41; Rule 2 of the Rules of Procedure of the Courts Commission; Director of the Administrative Office of the Illinois Courts]

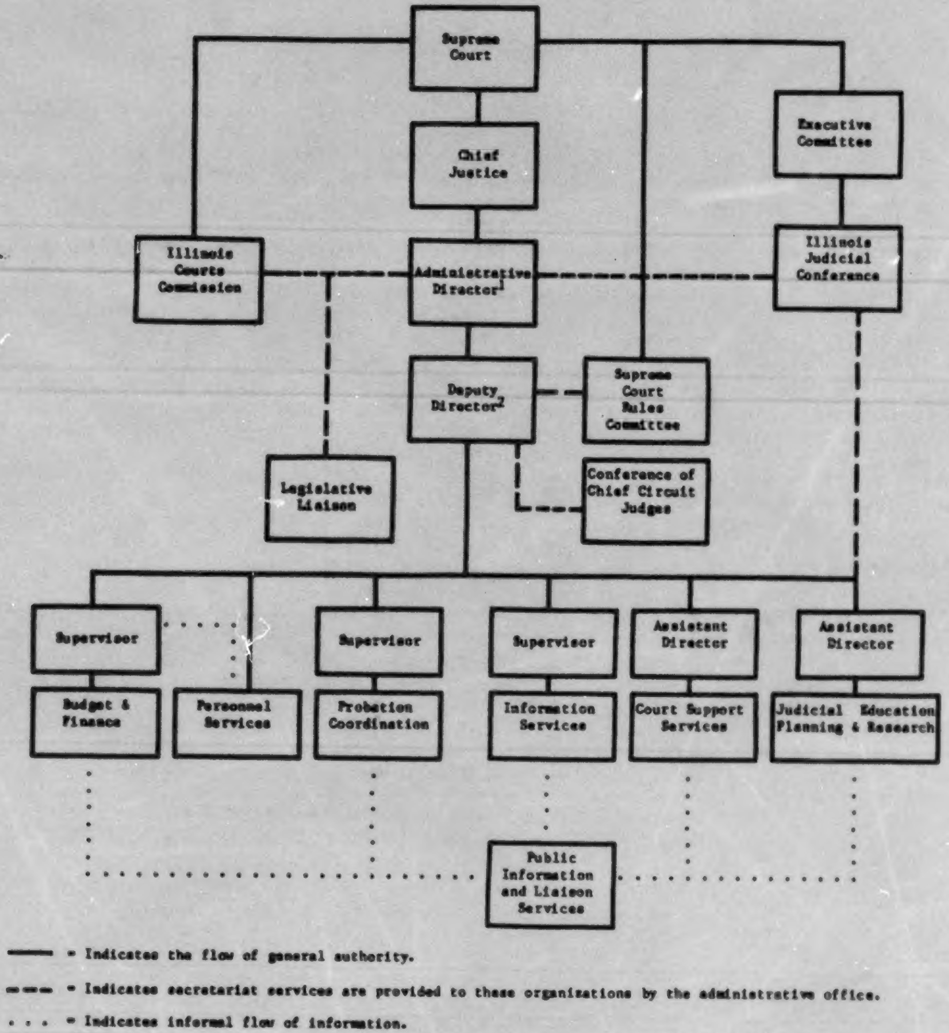
Quasi-Judicial Officers

6.0 There are no quasi-judicial officers in Illinois.

Judicial Discipline

7.1.1 Judicial Inquiry Board. The Judicial Inquiry Board consists of two circuit judges appointed by the Supreme Court, four nonlawyers (only two which

Figure 2: Illinois state-level administrative office of the courts, 1980


Supreme Court
Executive Committee
Chief Justice
Illinois Courts Commission
Administrative Director[1]
Illinois Judicial Conference
Deputy Director[2]
Supreme Court Rules Committee
Legislative Liaison
Conference of Chief Circuit Judges
Supervisor
Supervisor
Supervisor
Assistant Director
Assistant Director
Budget & Finance
Personnel Services
Probation Coordination
Information Services
Court Support Services
Judicial Education Planning & Research
Public Information and Liaison Services
— = Indicates the flow of general authority.
– – = Indicates secretariat services are provided to these organizations by the administrative office.
. . . = Indicates informal flow of information.

[1] The administrative director maintains offices in Springfield and Chicago.
[2] The deputy director maintains office in Chicago, only.

may be members of the same political party) appointed by the Governor, and three lawyers (only two of which may be members of the same political party) appointed by the Governor. They serve 4-year terms. No member may serve more than 8 years.
[Const., Art. VI, §15(b)]

7.2.1 Authority and procedure for sanction. The Judicial Inquiry Board is convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a judge or associate judge, and file complaints with the Courts Commission (reference Section 7.1.2 below). Five members must agree on a reasonable basis to file a complaint. All proceedings of the board are confidential except the filing of a complaint with the Courts Commission. The board will prosecute the complaint.
[Const., Art. VI, §15(d)]

7.1.2 Courts Commission. The Courts Commission consists of one Supreme Court judge appointed by the Supreme Court who acts as chairman, two appellate judges appointed by the Appellate Court, and two circuit judges appointed by the Supreme Court.
[Const., Art. VI, §15(e)].

7.2.2 Authority and procedure for sanction. The Courts Commission is convened permanently to hear complaints initiated by the Judicial Inquiry Board and make rulings on the disposition of such complaints. It has authority after notice and public hearing to remove, suspend without pay, censure, or reprimand a judge for misconduct, and to suspend with or without pay or retire a judge for disability.

In addition, judicial officers may be impeached by the legislature.
[Const., Art. IV, §§14, 15]

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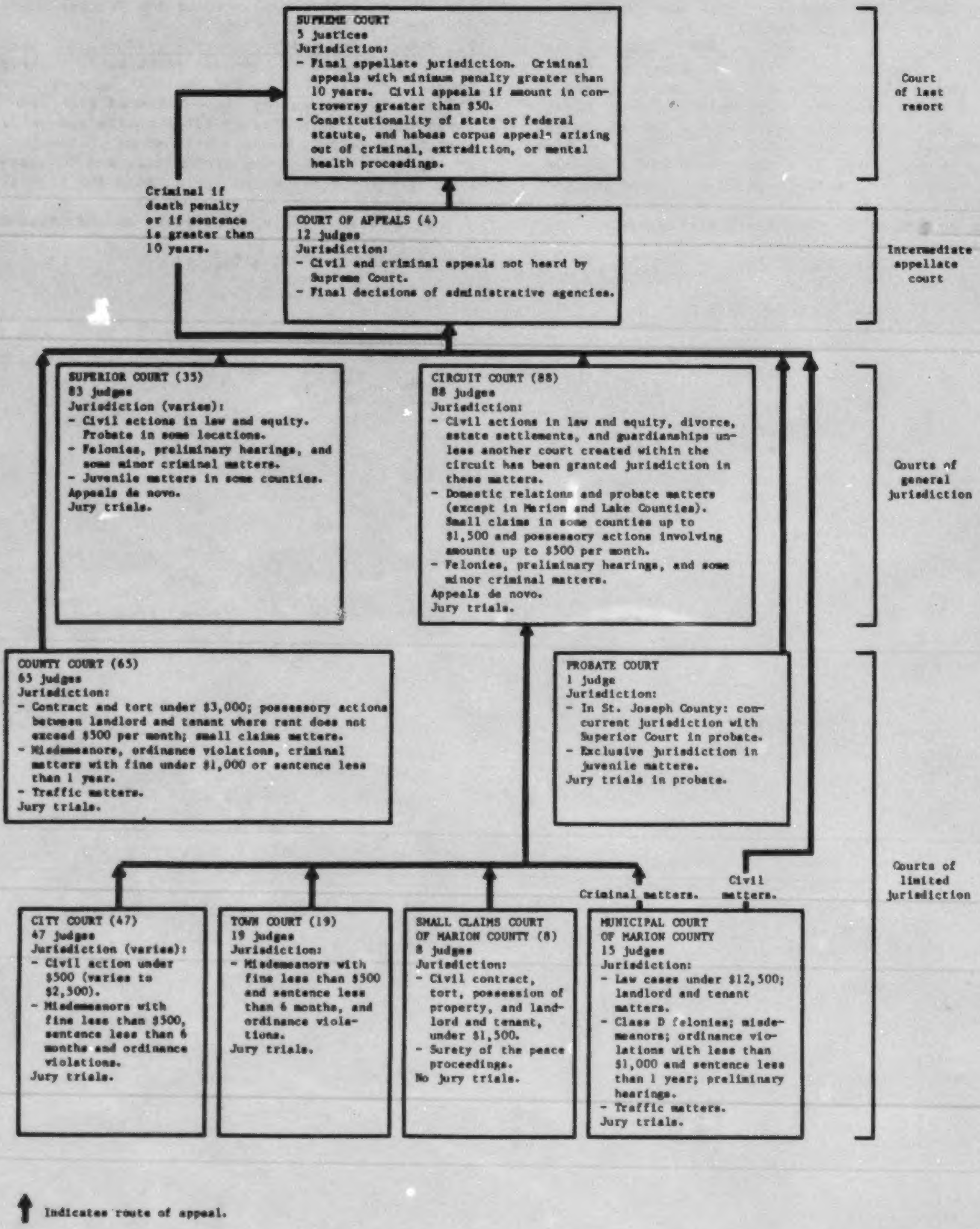
Figure 1: Indiana court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Final appellate jurisdiction. Criminal appeals with minimum penalty greater than 10 years. Civil appeals if amount in controversy greater than $50.
- Constitutionality of state or federal statute, and habeas corpus appeals arising out of criminal, extradition, or mental health proceedings.

COURT OF APPEALS (4)
12 judges
Jurisdiction:
- Civil and criminal appeals not heard by Supreme Court.
- Final decisions of administrative agencies.

SUPERIOR COURT (35)
83 judges
Jurisdiction (varies):
- Civil actions in law and equity. Probate in some locations.
- Felonies, preliminary hearings, and some minor criminal matters.
- Juvenile matters in some counties.

Appeals de novo.
Jury trials.

CIRCUIT COURT (88)
88 judges
Jurisdiction:
- Civil actions in law and equity, divorce, estate settlements, and guardianships unless another court created within the circuit has been granted jurisdiction in these matters.
- Domestic relations and probate matters (except in Marion and Lake Counties). Small claims in some counties up to $1,500 and possessory actions involving amounts up to $500 per month.
- Felonies, preliminary hearings, and some minor criminal matters.

Appeals de novo.
Jury trials.

COUNTY COURT (65)
65 judges
Jurisdiction:
- Contract and tort under $3,000; possessory actions between landlord and tenant where rent does not exceed $500 per month; small claims matters.
- Misdemeanors, ordinance violations, criminal matters with fine under $1,000 or sentence less than 1 year.
- Traffic matters.

Jury trials.

PROBATE COURT
1 judge
Jurisdiction:
- In St. Joseph County: concurrent jurisdiction with Superior Court in probate.
- Exclusive jurisdiction in juvenile matters.

Jury trials in probate.

CITY COURT (47)
47 judges
Jurisdiction (varies):
- Civil action under $500 (varies to $2,500).
- Misdemeanors with fine less than $500, sentence less than 6 months and ordinance violations.

Jury trials.

TOWN COURT (19)
19 judges
Jurisdiction:
- Misdemeanors with fine less than $500 and sentence less than 6 months, and ordinance violations.

Jury trials.

SMALL CLAIMS COURT
OF MARION COUNTY (8)
8 judges
Jurisdiction:
- Civil contract, tort, possession of property, and landlord and tenant, under $1,500.
- Surety of the peace proceedings.

No jury trials.

MUNICIPAL COURT
OF MARION COUNTY
15 judges
Jurisdiction:
- Law cases under $12,500; landlord and tenant matters.
- Class D felonies; misdemeanors; ordinance violations with less than $1,000 and sentence less than 1 year; preliminary hearings.
- Traffic matters.

Jury trials.

↑ Indicates route of appeal.

INDIANA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Indianapolis. The term of court is coterminous with the calendar year.

[Indiana Statutes Annotated (hereinafter I.S.A.) Section 33-1-6-1]

1.2 Organization. The Supreme Court does not sit in panels or divisions. Three judges constitute a quorum.

[I.S.A. §33-2.1-2-1]

1.3 Jurisdiction

a. The Supreme Court may issue any writ necessary or appropriate to the exercise of its appellate jurisdiction.

b. The Supreme Court has appellate jurisdiction over all cases that it may restrict by court rule. The only appeals that must be taken directly to the Supreme Court are those from judgments in criminal cases where a penalty of death or imprisonment for more than 10 years is imposed. In all criminal appeals, the court may review any question of law, and review and revise the sentence imposed in a trial court.

[Constitution, Article 7, Section 4; Indiana Rules of Appellate Procedure (hereinafter I.R.A.P.), Rule 4]

1.4 Justices (5)

a. The Chief Justice is selected by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions) for a 5-year term. The commission may reappoint the Chief Justice.

b. Supreme Court justices must be lawyers with either 5 years experience on the bench or 10 years experience in the practice of law. They must retire at age 75.

c. Supreme Court justices are appointed by the Governor to a 2-year term from a list of three nominees provided by the Judicial Nominating Commission. If the Governor fails to make the appointment within 60 days of receipt of the list, the Chief Justice (or acting Chief Justice) makes the selection. After serving the initial 2-year term, justices must face a retention election for a full 10-year term.

[Const., Art. 7, §§3, 10; I.S.A. §§33-2.1-5-1, 33-2.1-7-8, 33-5-43.2-1, 33-9-1-1, 33-9-1-2, 33-13-1-2; The Key to Judicial Merit Selection: The Nominating Process]

1.5 Administration

a. The Chief Justice has the power of general supervision over the judicial system. He exercises this supervision through the Executive Director, the Supreme Court administrator, the court administrators, Superior Court chief/presiding judges, Superior Court senior judges, and the presiding judge of the Municipal Court of Marion County. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. A Supreme Court administrator is appointed by the Chief Justice. He serves as head of the Division of Supreme Court Administration, one of the two divisions of the Office of Judicial Administration. Reference Section 5.1 (General administrative authority). The Supreme Court administrator performs such duties as prescribed by members of the court.

c. The Supreme Court clerk is elected to a 4-year term by the voters of the state in a general election. He is responsible for keeping regular office hours; maintaining the dockets, records, and fees of the court; certifying opinions of the court; and making specified reports to the court.

[Const., Art. 7, §3; I.S.A. §§33-2.1-7-1, 33-2.1-7-4, 33-15-1-1 to 33-15-6-1]

1.6 Rule-making. The Supreme Court has the exclusive power to promulgate rules of procedure for all courts in the state. Court rules supersede procedural statutes. The Supreme Court sets administrative policy and promulgates administrative rules.

[Const., Art. 4, §22; I.S.A. §§2-5-8-1, 33-10.5-7-2, 33-13-14-4]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The Court of Appeals sits in Indianapolis for a term coterminous with the calendar year.

[I.S.A. §§33-1-6-1, 33-2.1-2-3]

2.2 Organization. The court sits in 3-judge panels. Each panel hears appeals from a designated geographical district of the state. Presently, the court has four districts.

[I.S.A. §33-2.1-2-2; 1978 Annual Report, p. 2]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction. The court may review decisions of the Full Industrial Board, the Review Board of the Employment Security Division, and the Public Service Commission.

b. The Supreme Court rules specify the conditions under which appeals are made. An appeal as a matter of right must be available in all cases, including a review of sentences in criminal cases. Except for those criminal cases where a penalty of death or imprisonment for 10 years or more and where appeal is made directly to the Supreme Court (reference Section 1.3.b), the appeal of right is to the Court of Appeals. The court is also empowered to hear interlocutory appeals.

[Const., Art. 7, §6; I.R.A.P., Rule 4]

2.4 Judges (12)

a. The chief judge of the Court of Appeals is selected by his peers. He serves in this role for a term of 3 years, effective from the date of his appointment.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[I.S.A. §33-2.1-2-4]

2.5 Administration

a. The chief judge of the Court of Appeals has no specifically articulated administrative duties other than to assign a replacement when a judge disqualifies himself.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court also serves the Court of Appeals. Reference Section 1.5.c.

[I.S.A. §§33-2.1-2-5, 33-3-1-3]

2.6 Rule-making. Reference Section 1.6.

Courts of General Jurisdiction

3.1.1 CIRCUIT COURT. The court sits for a term coterminous with the calendar year.

[I.S.A. §33-1-6-1]

3.2.1 Organization. The state is divided into 88 circuits containing either 1 or 2 counties. Court is held at each county seat. Some Circuit Courts have established Small Claims Divisions.

[I.S.A. §33-4-1-4.1 to §33-4-1-88.2]

3.3.1 Jurisdiction

a. The jurisdiction of the Circuit Court is not uniform among all courts. The Circuit Court exercises jurisdiction over all criminal cases, all civil cases in law or equity, divorce actions, estate settlements, and guardianships unless another court created within the circuit has been granted jurisdiction over such cases. Small claims cases are kept separated on the Small Claims Docket in those counties where it has been created by law. Where established, they hear civil cases up to $1,500 and possessory actions where the maximum amount involved does not exceed $500 per month.

b. The Circuit Court has concurrent appellate jurisdiction with the Superior Court over judgments from the Small Claims Court of Marion County.

[Const., Art. 7, §8; I.S.A. §32-2.1-6-4, §33-4-1-4.1 to §33-4-1-87.2, §33-4-4-3; Indiana Trial Courts]

3.4.1 Judges (88)

a. The Circuit Court does not have a chief judge over all the circuits or presiding judges for the individual circuits.

b. Circuit Court judges must be residents of their judicial circuits and must be members of the state bar, or must have been judicial officers of the state or a municipality.

c. Circuit Court judges are elected to 6-year terms by the voters of their respective counties.

[Const., Art. 7, §7; I.S.A. §§33-4-4-1, 33-13-9-1]

3.5.1 Administration

a. There are no provisions for a chief judge over all the circuits or for presiding judges for the individual circuits. Each court is an autonomous unit.

b. There is no provision for an administrator over all the Circuit Courts. In counties with more than 100,000 population, the judges of the Circuit Court, Superior Court, and Probate Court sit in committee and elect to establish the position of court administrator. If the judges decide to create the position, they are empowered to specify the duties of the court administrator.

c. Circuit Court clerks, or county clerks as they are called, are elected to 4-year terms by the voters of their respective counties. The clerks' duties include endorsing all official court papers, administering oaths, and collecting and accounting for all court fees and fines.

[I.S.A. §§33-1-12-1, 33-1-12-2, 33-1-12-4, 33-15-11-1 to 33-15-11-6; Executive Director]

3.6.1 Rule-making. Reference Section 1.6.

3.1.2 SUPERIOR COURT. The court sits for a term coterminous with the calendar year.

[I.S.A. §33-1-6-1]

3.2.2 Organization. The Superior Court is established on the county level. Each court was created through separate legislation and the organization of the court depends upon the jurisdiction conferred upon each court. Reference Section 3.3.2 below.

[I.S.A. §33]

3.3.2 Jurisdiction

a. The jurisdiction of the Superior Court varies from court to court. Thirteen Superior Courts simply have concurrent jurisdiction with the Circuit Court. Reference Section 3.3.1.a. Fourteen courts exercise concurrent jurisdiction with the Circuit Court with the exception of probate and/or juvenile jurisdiction, which remains exclusively with the Circuit Court. Six Superior Courts retain exclusive jurisdiction over juvenile or probate matters in addition to concurrent jurisdiction with the Circuit Court in all other matters. Four Superior Courts have unique jurisdiction. Each has concurrent jurisdiction with the Circuit Court in most matters, with exclusive jurisdiction in others. One court retains exclusive jurisdiction over juvenile and domestic relations cases; one retains exclusive small claims and misdemeanor jurisdiction; another retains small claims, probate, and juvenile jurisdiction; and one has exclusive jurisdiction over probate, misdemeanor, and small claims cases.

b. The Superior Court has concurrent appellate jurisdiction with the Circuit Court over judgments from the Small Claims Court of Marion County.

[I.S.A. §33-5-5.1 to §33-5-47-7; Indiana Trial Courts]

3.4.2 Judges (83)

a. There is no provision for a chief judge over all the counties that have a Superior Court. The judges of some of the individual courts select a chief judge or a presiding judge from among their members. This most often occurs in a unified Superior Court of a particular county.

b. Superior Court judges must meet the same qualifications as Circuit Court judges. Reference Section 3.4.1.b.

c. The judges of four of the Superior Courts are appointed by the Governor from a list presented to him by the counties' Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). After appointment, the judges serve 2 years and then are subject to a retention election for a full 6-year term. Judges of the remaining 31 courts are elected at partisan elections to 6-year terms.

[I.S.A. §33-5-5.5-1 to §33-5-47-10]

3.5.2 Administration

a. Whereas there is no provision for a chief judge over all the counties that have a Superior Court, there are chief judges or presiding judges for some of the individual courts. They have no specifically articulated administrative duties, but in practice they carry out administrative duties for their respective courts. The senior judges of divisions of the larger Superior Courts are responsible for the administration of their respective divisions.

b. There is no provision for an administrator over all the counties that have a Superior Court. Reference Section 3.5.1.b (Administration).

c. Circuit Court clerks serve as clerks for the Superior Court. Reference Section 3.5.1.c (Administration).

[I.S.A. §33-5-29.5-8; Executive Director]

3.6.2 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. The court sits for a term coterminous with the calendar year.

[I.S.A. §33-1-6-1]

4.2.1 Organization. There is a County Court in approximately 65 of 92 counties. Six courts serve two counties each. There are no specialized divisions of the court.

[I.S.A. §33-10.5-1-5; Executive Director]

4.3.1 Jurisdiction

a. The County Court has original and concurrent jurisdiction in all class D felony, misdemeanor, infraction, and ordinance violation cases; and original jurisdiction in cases involving a request for a surety of the peace. The court also has original and concurrent jurisdiction in all civil cases founded on contract or tort in which the debt or damage does not exceed $3,000; landlord-tenant possessory actions where the rent reserved does not exceed $500 a month; and original exclusive jurisdiction in other possessory actions where the property value does not exceed $3,000. Where a defendant is charged with a crime not within the jurisdiction of the court, it may hold the defendant to bail in an equal amount of either cash or surety.

b. The County Court has no appellate jurisdiction.

[I.S.A. §33-10.5-3-1]

4.4.1 Judges (65)

a. The County Court does not have a presiding judge.

b. County Court judges must be citizens of the United States, must be residents of Indiana, must be members of the Indiana Bar, and must be less than 70 years old at the start of their terms. Judges may not practice law while in office.

c. County Court judges are elected to 4-year terms by the voters of each county, or the voters of two counties if the judge is required to serve two counties. In multi-judge counties, each judgeship is subject to separate election.

[I.S.A.§§33-10.5-4-1, 33-10.5-4-2, 33-10.5-6-1, 33-10.5-6-6; Executive Director]

4.5.1 Administration

a. There are no provisions for presiding judges for the County Court.

b. There are no provisions for administrators for the County Court. Reference Section 5.2.b (state-level administrator).

c. Circuit Court clerks serve as clerks for the County Court and perform the same functions with respect to the operation of the County Court. Reference Section 3.5.1.c (Administration).

[I.S.A. §33-10.5-8-2]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 PROBATE COURT (St. Joseph). The court sits for a term coterminous with the calendar year.

[I.S.A. §33-1-6-1]

4.2.2 Organization. There is a single Probate Court in the state located in St. Joseph County. There are no specialized divisions of the court.

[I.S.A. §33-8-2-1]

4.3.2 Jurisdiction

a. The Probate Court has concurrent jurisdiction with the Superior Court of St. Joseph County in all probate matters and exclusive jurisdiction in all juvenile cases in the county.

b. The Probate Court has no appellate jurisdiction.

[I.S.A. §§33-8-2-9, 33-8-2-10]

4.4.2 Judges (1)

a. Since there is only one judge, the Probate Court does not have a presiding judge.

b. The Probate Court judge must meet the same qualifications as Circuit Court judges. Reference Section 3.4.1.b.

c. The Probate Court judge is elected to a 6-year term by the voters of St. Joseph County.

[I.S.A. §§33-8-2-3, 33-13-9-1]

4.5.2 Administration

a. There is no provision for a presiding judge for the Probate Court.

b. There is no provision for an administrator for the Probate Court. Reference Section 3.5.1.b.

c. The St. Joseph County Circuit Court clerk serves as clerk of the Probate Court and performs the same duties with respect to the operation of the Probate Court. Reference Section 3.5.1.c.

[I.S.A. §§33-8-2-4, 33-8-2-5]

4.6.2 Rule-making. Reference Section 1.6.

4.1.3 MUNICIPAL COURT OF MARION COUNTY. The court sits for a term coterminous with the calendar year.

[I.S.A. §33-1-6-1]

4.2.3 Organization. The only Municipal Court in the state is located in Marion County. The geographic jurisdiction of the court extends to the city-county consolidation of Indianapolis-Marion. There are no specialized divisions of the court.

[I.S.A. §33-6-1-1; 1978 Annual Report]

4.3.3 Jurisdiction

a. The Municipal Court of Marion County has original and concurrent jurisdiction with the Superior and Circuit Courts in all actions where the amount in controversy does not exceed $12,500 and in all possessory actions between landlord and tenant regardless of amount. The court's criminal jurisdiction extends to all municipal ordinance violations and all misdemeanor violations of traffic laws. Original jurisdiction, concurrent with the Superior and Circuit Courts, is exercised over all misdemeanors and all Class D felonies.

b. The Municipal Court of Marion County has no appellate jurisdiction.

[I.S.A. §33-6-1-2; Executive Director]

4.4.3 Judges (15)

a. The presiding judge is designated upon his appointment to the court. He serves in this role for a term of 4 years.

b. Municipal Court of Marion County judges must be United States citizens, must be lawyers with 5 years of experience in the state and 3 years of experience in the county, and must have been residents of the county for at least 3 years. No more than eight judges can be of the same political party.

c. Municipal Court of Marion County judges are appointed to 4-year terms from a list of nominees provided by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions).

[I.S.A. §33-6-1-12]

4.5.3 Administration

a. The presiding judge assigns cases, courtrooms, and offices and, unless he establishes rules to handle the matter, he decides all matters of trial dates, continuances, and subpoenas.

b. There is no provision for an administrator for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. The Marion County Circuit Court clerk serves as clerk of the Municipal Court.

[I.S.A. §§33-6-1-3, 33-6-1-7]

4.6.3 Rule-making. The court is authorized to promulgate procedural rules not inconsistent with state law.

[I.S.A. §33-6-1-3.1]

4.1.4 SMALL CLAIMS COURT OF MARION COUNTY. The court sits for a term coterminous with the calendar year.

[I.S.A. §33-1-6-1]

4.2.4 Organization. There is a division of the Marion County Small Claims Court in every township of Marion County with 15,000 population unless the township chooses not to have such a court. The court has eight divisions based on township lines. Territorial jurisdiction extends throughout the county. This is not a court of record.

[I.S.A. §§33-11.6-1-5, 33-11.6-1-4,
33-11.6-2-1; 1978 Annual Report]

4.3.4 Jurisdiction

a. The Marion County Small Claims Court has original and concurrent jurisdiction with the Circuit, Superior, and Municipal Courts in all civil actions founded on contract or tort in which the amount in controversy does not exceed $1,500; in possessory actions between landlord and tenant in which the past due rent does not exceed $1,500; and in actions for the possession of property of less than $1,500 in value.

b. The Marion County Small Claims Court has no appellate jurisdiction.

[I.S.A. §§33-11.6-4-2, 33-11.6-4-3]

4.4.4 Judges (8)

a. The Marion County Small Claims Court does not have a presiding judge.

b. Marion County Small Claims Court judges must be United States citizens, must have been residents of the state and county for at least 1 year prior to taking office, and must be "of high moral character and reputation." Judges must be attorneys unless they were justices of the peace on December 31, 1975, and had held that office for at least 1 year.

c. Marion County Small Claims Court judges are elected to 4-year terms by the voters of the townships in which the divisions are located.

[I.S.A. §§33-11.6-3-1, 33-11.6-3-2,
33-11.6-3-4; Executive Director]

4.5.4 Administration

a. There is no provision for a presiding judge for the Small Claims Court of Marion County.

b. There is no provision for an administrator for the Small Claims Court of Marion County. Reference Section 5.2.b (state-level administrator).

c. The court is furnished with a clerk by the township. There are no formal provisions for assigning administrative duties to the clerk.

[I.S.A. §33-11.6-8-3]

4.6.4 Rule-making. Statute requires that the court use a simplified procedure that will allow any person to bring his case before the court without the aid of an attorney.

[I.S.A. §33-11.6-4-6]

4.1.5 CITY COURT. Regular sessions of the court are held at a place provided and designated by the common council.

[I.S.A. §18-1-14-5]

4.2.5. Organization. The judicial power of every city of the 1st, 2nd, 3rd, and 4th class is vested in a City Court.

[I.S.A. §18-1-14-1]

4.3.5 Jurisdiction

a. The City Court has criminal jurisdiction in misdemeanors where there is a fine less than $500 and a sentence less than 6 months. The court also has jurisdiction over city ordinance violations. The City Court has civil jurisdiction in civil actions under $500 (varies to $2,500).

b. The City Court has no appellate jurisdiction.

[Court Organization Chart]

4.4.5 Judges (47)

a. The City Court does not have presiding judges.

b. There are no statutory qualifications for City Court judges.

c. City Court judges are elected for 4-year terms by the voters of their respective cities at the same time and in the same manner as other city officers.

[I.S.A. 18-1-14-5(a)]

4.5.5 Administration

a. There are no provisions for presiding judges for the City Court.

b. There are no provisions for administrators for the City Court. Reference Section 5.2.b (state-level administrator).

c. In cities of the 1st and 2nd class, the city clerk serves as the clerk of the City Court. He has the responsibility for administering oaths, issuing all process of the court, and affixing the seal of the court. He also has responsibility for keeping a complete record and docket of all cases, and collecting all fees, fines, penalties, forfeitures, judgments, executions, and moneys. In cities of the 3rd and 4th class, the judge may act as clerk and may perform all duties, so far as applicable, listed above.

[I.S.A. §§18-1-14-5, 18-1-14-8]

4.6.5 Rule-making. The City Court judge has full power and authority to make and adopt rules and regulations for conducting the business of his court not inconsistent with state law.

[I.S.A. §18-1-14-6]

4.1.6 TOWN COURT. The Town Court judge holds such sessions of the court as the business of the court demands at a place provided and designated by the Board of Trustees of the town.

[I.S.A. §18-1-14-3]

4.2.6 Organization. The judicial power of every town may be vested in a Town Court upon ordinance of the town Board of Trustees that creates such a court. This does not apply to any town located in a county having a population greater than 200,000 according to the last census.

4.3.6 Jurisdiction

a. The Town Court has criminal jurisdiction in misdemeanors where there is a fine less than $500 and a sentence less than 6 months. The court also has jurisdiction over city ordinance violations.

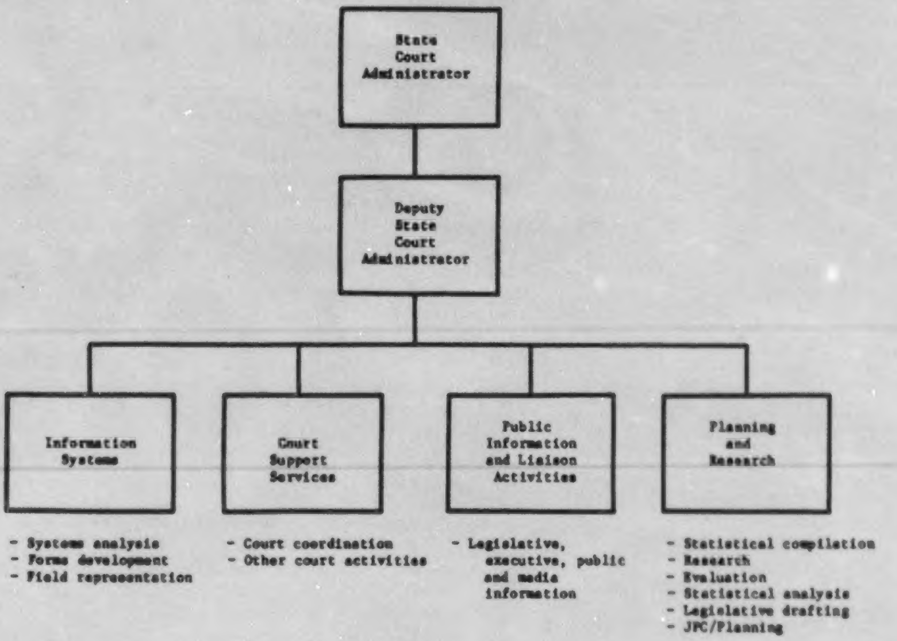
b. The Town Court has no appellate jurisdiction.

[Court Organization Chart]

4.4.6 Judges (19)

a. The Town Court does not have presiding judges.

Figure 2: Indiana state-level administrative office of the courts, 1980


State Court Administrator
Deputy State Court Administrator
Information Systems
Court Support Services
Public Information and Liaison Activities
Planning and Research
- Systems analysis
- Forms development
- Field representation
- Court coordination
- Other court activities
- Legislative, executive, public and media information
- Statistical compilation
- Research
- Evaluation
- Statistical analysis
- Legislative drafting
- JPC/Planning

b. There are no statutory qualifications for Town Court judges.

c. Town Court judges are elected to 4-year terms by the voters of their respective towns at the same time and in the same manner as the other town officers. When a vacancy occurs in the office of judge, the vacancy is filled by appointment by the president of the town Board of Trustees until the successor can be elected at the next election of town officers.

[I.S.A §§18-1-14-3, 18-1-14-4]

4.5.6 Administration

a. There are no provisions for presiding judges for the Town Court.

b. There are no provisions for administrators for the Town Court.

c. The judge acts as his own clerk.

[I.S.A. §18-1-14-2]

4.6.6 Rule-making. The powers of a Town Court judge are the same as those prescribed for a City Court judge. Reference Section 4.6.5.

[I.S.A. §18-1-14-3]

State-Level Administration

5.1 General administrative authority. The administrative organs of the state judicial system have been placed under the auspices of the Chief Justice of the Supreme Court. Within his office is the Office of Judicial Administration, which consists of the Division of Supreme Court Administration and the Division of State Court Administration. Reference Sections 1.5.a and 1.5.b.

[I.S.A. §33-2.1-7-1]

5.2 Division of State Court Administration

a. The division was created by statute. It is one of the two divisions that make up the Office of Judicial Administration.

b. Executive Director

(1) The position of Executive Director is statutorily authorized by I.S.A. §33-2.1-7.1.

(2) There are no formal requirements for the position of Executive Director. In practice, he is expected to be an attorney. He is appointed by and serves at the pleasure of the Supreme Court.

(3) The Division of State Court Administration and the Executive Director are charged with examining the practices of the clerks' offices and other offices serving the courts and making recommendations for necessary improvements; collecting and compiling statistics; and publishing reports on caseloads, budget, and the operations of the courts.

c. Office organization. The Chief Justice is empowered to appoint the personnel of the Division of State Court Administration. The office consists of 5 people: the Executive Director, the assistant director, and three secretaries. The professional staff provides support services in the following areas: systems analysis, forms development, and field representation; court coordination and other court services; legislative, executive, public, and media information, legislative liaison, and executive liaison; and planning and research activities, which include statistical compilation, judicial planning, research, evaluation, statistical analysis, and legislative drafting.

[I.S.A. §33-2.1-7-1 to §33-2.1-7-3; Executive Director]

Quasi-Judicial Officers

6.1.1 ALL TRIAL COURTS

6.2.1 Masters

a. Masters are appointed by the court with the concurrence of the Supreme Court. There are no formal qualifications.

b. Cases are referred to masters by an order of the court, which expressly states their powers and duties. Subject to limitations expressed in the reference order, masters may hear evidence, rule on its admissability, administer oaths, and call witnesses. The master files a report of his proceedings with the court.

[Trial Rule 53(A), 53(C), 53(E)]

6.1.2 CIRCUIT COURT

6.2.2 Probate commissioner

a. The judges of the courts in counties of over 7,000 population are authorized to appoint probate commissioners. They must be residents of the county and "competent person[s]."

b. Commissioners are empowered to make and enforce all rules necessary for the protection of trusts assigned to them and to take actions necessary to enforce the rules of the court and expedite the business of the court with reference to probate matters. In counties with more than 60,000 population, commissioners may hear evidence and make reports on their findings to the court.

[I.S.A. §§29-2-2-1, 29-2-2-5, 29-2-4-1]

6.1.3 CIRCUIT COURT, SUPERIOR COURT, AND MUNICIPAL COURT OF MARION COUNTY

6.2.3 Master commissioner

a. Master commissioners are appointed by the court. They must be attorneys and must be residents of the counties where the courts are located.

b. Commissioners are authorized to take and certify affidavits and depositions, administer oaths and affirmations, issue and enforce subpoenas, conduct preliminary hearings, issue search warrants, and issue arrest warrants and set bond thereon. Commissioners are also empowered to handle certain chancery matters such as examining the condition and operation of trusts and estates. They have the power to issue and enforce subpoenas in the furtherance of these duties. In such cases, the commissioner files a report with the court for its action on the matter.

[I.S.A. §34-1-25-1 to §34-1-25-3]

Judicial Discipline

7.1 Commission on Judicial Qualifications. The Supreme Court and Court of Appeals Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions) also serve as a Commission on Judicial Qualifications. The commission consists of the Chief Justice or his designate as chairman; three attorneys, elected by the state bar; and three lay persons, selected by the Governor.

[Const., Art. 7, §9; I.S.A. §§33-2.1-4-1, 33-2.1-4-2, 33-2.1-5-2]

7.2 Authority and procedure for sanction. Upon receiving a complaint, the commission notifies the accused judge, who must file an answer within 20 days. The commission will then either conduct a hearing itself or request the Supreme Court to appoint three judges, active or retired, of courts of record to serve as special masters and to conduct a hearing. The hearing is recorded verbatim and formal rules of evidence apply. If the hearing is before a master, he must make a report to the commission and the accused has the right to file an objection to the report. The commission makes its recommendations to the Supreme Court who takes final action.

[I.S.A. §33-2.1-5-5 to §33-2.1-5-19]

IOWA

Court of Last Resort

1.1 SUPREME COURT. The court meets at the seat of government and holds three regular terms each year.
[Code of Iowa 1977 (hereinafter Code) Section 684.5]

1.2 Organization. The Supreme Court may be divided into divisions of three or more judges as prescribed by rule. The divisions may hold open court seperately and cases may be submitted to each division separately.
[Code §684.2]

1.3 Jurisdiction

a. The Supreme Court may issue all necessary writs to conduct the business of the court.

b. The Supreme Court has appellate jurisdiction only in cases in chancery, and constitutes a court for the correction of errors at law.
[Constitution, Article V, Section 4; Code §684.1]

1.4 Justices (9)

a. The Chief Justice is selected by his peers. He serves for the remainder of his term and is eligible for reselection.

b. Supreme Court justices must be members of the state bar.

c. Supreme Court justices are appointed by the Governor from a list of nominees submitted by the State Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). They serve for 1 year after appointment, at which time they must stand for retention in general elections. If retained, they serve 8-year terms.
[Const., Art. V, §§15, 17, 18; Code §684.4]

1.5 Administration

a. The Supreme Court exercises administration and supervision over the entire court system through the Chief Justice, assisted by the Court Administrator of the Judicial Department, who exercises general supervisory powers over the unified District Court. The Chief Justice also serves as chairman of the Judicial Council (reference Table 29: Judicial councils and conferences). Also reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. The Court Administrator of the Judicial Department serves as the administrator for the Supreme Court. Reference Section 5.2.b (state-level administrator).

c. The justices of the Supreme Court appoint a clerk to serve a 4-year term. There are no formal provisions for assigning administrative duties to the clerk. In practice, the clerk provides supervision over the following duties: the docketing and monitoring of cases appealed to the Supreme Court, the granting of extensions of time, the setting of motions for hearing, the administration of the state bar examination and the election of judicial nominating commissioners, the maintenance of a docket of senior judges, the maintenance of a list of certified short-hand reporters and attorneys admitted to the bar, and other general record-keeping responsibilities.
[Code §§46.9, 115.7, 685.1, 685.2; Rules of Appellate Procedure 22 (h, i); Supreme Court Rules 103, 108; Court Administrator]

1.6 Rule-making. The legislature grants the Supreme Court power to prescribe all rules of pleading, practice, and procedure, and to prescribe the forms of process, writs, and notices for all civil proceedings for all courts in the state. It also has the power to prescribe rules of appellate procedure. Any such rules and forms prescribed by the Supreme Court must be reported to the General Assembly and are subject to any changes made by the General Assembly. Statutes provide that the Supreme Court is to promulgate rules providing for the assignment of causes for hearing. The Supreme Court must also adopt rules for the administration of the courts.
[Code §§684.9, 684.18, 684.19, 684.21]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The court meets at the seat of government. It holds annual terms and is in continuous session.
[Code §§684.32, 684.33]

2.2 Organization. The Court of Appeals has statewide jurisdiction. The court does not sit in panels or divisions.
[Code §684.35]

2.3 Jurisdiction

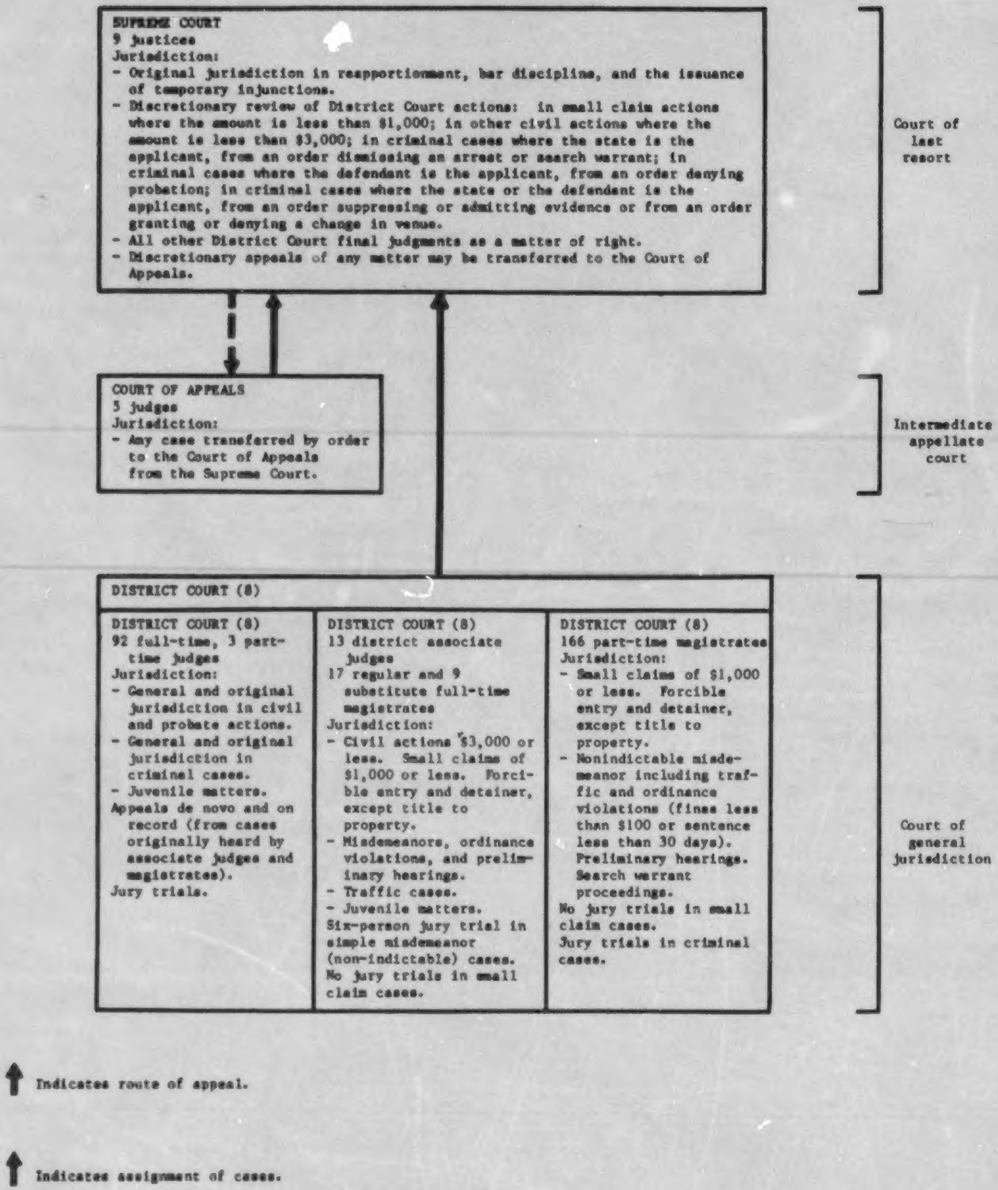
a. The Court of Appeals is empowered to issue writs and other process necessary for the exercise and enforcement of its jurisdiction.

b. The Court of Appeals has appellate jurisdiction only in cases in chancery. The court has subject matter jurisdiction in all civil actions and proceedings, all criminal actions, all postconviction remedy proceedings, and judgments of district judges in small claims actions. The jurisdiction of the court is limited to those matters for which an appeal has been brought before the Supreme Court, and for which the Supreme Court has entered an order transferring the matter to the Court of Appeals. Any action or proceeding filed with the Supreme Court for appeal or review may be transferred by the Supreme Court to the Court of Appeals by issuing an order of transfer.
[Code §§684.1, 684.35]

2.4 Judges (5)

a. The chief judge is elected to a 2-year term by majority vote of the judges of the Court of Appeals.

Figure 1: Iowa court system, 1980



SUPREME COURT
9 justices
Jurisdiction:
- Original jurisdiction in reapportionment, bar discipline, and the issuance of temporary injunctions.
- Discretionary review of District Court actions: in small claim actions where the amount is less than $1,000; in other civil actions where the amount is less than $3,000; in criminal cases where the state is the applicant, from an order dismissing an arrest or search warrant; in criminal cases where the defendant is the applicant, from an order denying probation; in criminal cases where the state or the defendant is the applicant, from an order suppressing or admitting evidence or from an order granting or denying a change in venue.
- All other District Court final judgments as a matter of right.
- Discretionary appeals of any matter may be transferred to the Court of Appeals.

COURT OF APPEALS
5 judges
Jurisdiction:
- Any case transferred by order to the Court of Appeals from the Supreme Court.

DISTRICT COURT (8)

DISTRICT COURT (8)
92 full-time, 3 part-time judges
Jurisdiction:
- General and original jurisdiction in civil and probate actions.
- General and original jurisdiction in criminal cases.
- Juvenile matters.
Appeals de novo and on record (from cases originally heard by associate judges and magistrates).
Jury trials.

DISTRICT COURT (8)
13 district associate judges
17 regular and 9 substitute full-time magistrates
Jurisdiction:
- Civil actions $3,000 or less. Small claims of $1,000 or less. Forcible entry and detainer, except title to property.
- Misdemeanors, ordinance violations, and preliminary hearings.
- Traffic cases.
- Juvenile matters.
Six-person jury trial in simple misdemeanor (non-indictable) cases.
No jury trials in small claim cases.

DISTRICT COURT (8)
166 part-time magistrates
Jurisdiction:
- Small claims of $1,000 or less. Forcible entry and detainer, except title to property.
- Nonindictable misdemeanor including traffic and ordinance violations (fines less than $100 or sentence less than 30 days). Preliminary hearings. Search warrant proceedings.
No jury trials in small claim cases.
Jury trials in criminal cases.

Court of last resort
Intermediate appellate court
Court of general jurisdiction
Indicates route of appeal.
Indicates assignment of cases.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. After 1 year following initial appointment, Court of Appeals judges must stand for retention in general elections. If retained, they serve 6-year terms.

[Code §§46.16, 684.34, 684.43]

2.5 Administration

a. The Chief Judge supervises the affairs of the court.

b. The Court Administrator of the Judicial Department serves as the administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court acts as clerk of the Court of Appeals. Reference Section 1.5.c. Subject to the approval of the Supreme Court, he may appoint a deputy clerk for the performance of duties relating to the Court of Appeals.

[Code §§684.19, 684.48, 684.49]

2.6 Rule-making. The Court of Appeals, subject to the approval of the Supreme Court, may prescribe rules of appellate procedure and other rules for conducting business for the Court of Appeals, not in conflict with rules of the Supreme Court. Rules must be approved by the legislature.

[Code §§684.19, 684.37]

Court of General Jurisdiction

3.1 DISTRICT COURT. The court sits in continuous session.

[Code §602.10]

3.2 Organization. For the purposes of administration and ordinary judicial functions, the state is divided into eight multi-county judicial districts. The state is divided into 13 judicial election districts for the purposes of nomination and appointment of district judges, the application of the judgeship formula, the removal of judicial magistrates, and the appointment of substitute and regular full-time judicial magistrates. Court must be held at the places in each county as designated by the chief judge of the judicial district, except for the determination of matters not requiring a jury, when court may be held at some other place in the district with the consent of the parties. When regular or associate district judges or full-time magistrates are hearing juvenile cases, the District Court is known as the Juvenile Court. There are no specialized divisions of the court.

[Code §§602.18, 602.5; 1976 Annual Statistical Report, Iowa Judiciary (hereinafter Iowa Judiciary), pp. 32-33]

3.3 Jurisdiction

a. The District Court has general and original jurisdiction over all actions and proceedings including juvenile matters. Jurisdiction of the court is divided between the various types of judicial officers as follows:

(1) District judges. District judges possess the full jurisdiction of the District Court, including the jurisdiction of the judicial magistrates.

(2) District associate judges. Associate judges have the same jurisdiction as part-time magistrates (see (4) below) in addition to jurisdiction over indictable misdemeanors, civil actions for money judgments where the amount in controversy does not exceed $3,000, and juvenile cases when designated as judges of the Juvenile Court by the chief judge of the judicial district.

(3) Full-time judicial magistrates. As of July 1, 1974, full-time magistrates have concurrent jurisdiction with district associate judges.

(4) Part-time judicial magistrates. Part-time judicial magistrates have jurisdiction in preliminary hearing cases; nonindictable misdemeanors, including traffic and ordinance violations; search warrant proceedings; small claims; emergency hospitalization proceedings, and miscellaneous actions.

b. The Iowa District Court is the state's unified trial court. Therefore, the court has no appellate jurisdiction.

[Const., Art. V, §1; Code §§231.1, 602.1, 602.4, 602.32, 602.60; Iowa Judiciary, pp. 25, 29-30; Court Administrator]

3.4 Judges. Ninety-two full-time and 3 part-time district judges, 13 district associate judges, 17 regular full-time magistrates, 9 substitute full-time magistrates, and 166 part-time magistrates serve as judicial officers in the District Court.

a. There is no provision for a chief judge over all the districts of the District Court. The Chief Justice, with the approval of the Supreme Court, appoints a chief judge for each district from among the district judges of the district for a 2-year term, after which he is eligible for reappointment.

b. Qualifications

(1) District judges. District judges must be residents of the districts in which they are elected. They must be licensed attorneys.

(2) District associate judges. District associate judges must be licensed attorneys.

(3) Judicial magistrates. Judicial magistrates must be voters of their counties and must be less than 72 years of age. Full-time magistrates must be licensed to practice law. A license to practice law is not required for part-time magistrates; however, the County Judicial Magistrate Appointing Commission (reference Table 12: Characteristics of judicial nominating commissions) must first consider licensed attorneys. The Magistrate Appointing Commission is composed of one district judge designated by the chief judge of the district, three members appointed by the Board of Supervisors, and two attorneys elected by the county bar.

c. Method of selection and tenure

(1) District judges. District judges are appointed by the Governor from a list of two nominees submitted by the District Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). Following initial appointment, they serve for one year, after which they must stand for a retention election. If retained, they serve 6-year terms.

(2) District associate judges. District associate judges are appointed by the district judges of the election districts from nominations by the County Judicial Magistrate Appointing Commission (reference Table 12: Characteristics of judicial nominating commissions). After the initial 4-year terms, they stand in retention elections every 4 years thereafter.

(3) Judicial magistrates. Full-time magistrates are appointed by the district judges of the election districts from nominations by the County Judicial Magistrate Appointing Commission and serve 4-year terms. Part-time judicial magistrates are appointed by the Appointing Commission for 2-year terms.

[Const., Art. V, §15; Code §§46.16, 602.16, 602.29, 602.50, 602.51, 602.52, 605.13, 605.14; Rules of Civil Procedure (hereinafter R. Civ. P.), Rule 376; Court Administrator]

3.5 Administration

a. Whereas there is no chief judge over all the districts of the District Court, the chief judges for the individual districts exercise continuing administrative supervision within their districts over the courts, judges, officials, and employees. They fix times and places for holding court and designate the judges who will hold court.

b. There is no provision for an administrator over all the districts of the District Court. The administrators for the individual districts are appointed by the chief judges and perform such duties as may be assigned by the chief judges. They must cooperate with the Court Administrator of the Judicial Department in developing necessary statewide court policies. Reference Section 5.2.b (state-level administrator).

c. The positions of District Court clerks, who are elected in partisan elections every 4 years, are authorized by statute. The clerks attend sessions of the court or send deputies. The clerks are responsible for keeping the records, papers, and seal, and for recording the proceedings of the court.

[Code §§39.16, 605.35, 606.1; R. Civ. P., 377]

3.6 Rule-making. Reference Section 1.6.

Court of Limited or Special Jurisdiction

4.0 There are no trial courts of limited or special jurisdiction in Iowa.

State-Level Administration

5.1 General administrative authority. The Supreme Court has the constitutional authority to exercise supervisory and administrative authority over all trial courts in the state. The court may also assign retired or senior judges to temporary active duty. The Chief Justice has the following administrative duties: assigns judges and other court personnel from one judicial district to another as needed; orders conferences of members of courts on matters relating to the administration of justice; and appoints, with the approval of the Supreme Court, the chief judge in each judicial district. Reference Section 1.5.a.

[Const., Art. V, §4; Code §§602.18(9), 684.20, 684.25; R. Civ. P., 375, 376; Court Administrator]

5.2 Office of the Court Administrator

a. There is no specific authorization for the administrative office.

b. Court Administrator of the Judicial Department

(1) The Iowa Code, §685.6, establishes the position of Court Administrator of the Judicial Department.

(2) There are no statutory qualifications for the position of administrator. In practice, the court administrator is expected to be admitted to the bar or have special training in court administration. The Court Administrator is appointed by the Supreme Court and serves at its pleasure.

(3) Under the direction of the Supreme Court, the Court Administrator has the following duties:

(a) Collects and compiles statistical and other data and makes reports to the Supreme Court relating to the business transacted by the courts.

(b) Collects statistical and other data and makes reports to the Supreme Court relating to the expenditure of monies for the maintenance and operation of the judicial system.

(c) Obtains reports from clerks of court, judges, and magistrates in accordance with law, or rules prescribed by the Supreme Court as to cases and other judicial business in which action has been delayed beyond periods of time specified by law or such rules, and makes reports.

(d) Examines the state of the dockets of the courts and determines the need for assistance by any courts.

(e) Makes reports concerning the overloading and underloading of particular courts.

(f) Makes recommendations relating to the assignment of judges where courts are in need of assistance.

(g) Examines the administrative methods employed in the offices of clerks of courts, probation officers, and sheriffs, and makes recommendations regarding the improvement of same.

(h) Formulates recommendations for the improvement of the judicial system.

(i) Administers funds appropriated to the Supreme Court, District Court, Office of the State Court Administrator, the Commission on Judicial Qualifications (reference Section 7.1), the clerk of the Supreme Court, the Board of Law Examiners, and the Board of Examiners of Shorthand Reporters.

(j) Attends to such other matters as may be assigned by the Chief Justice and the Supreme Court.

c. Office organization. The Court Administrator's staff (which includes the staff of the clerk of the Supreme Court) consists of 22 people: 13 professionals (including the Court Administrator of the Judicial Department) and 9 clerical personnel. The office staff provides support services in the following areas: records management; payroll, accounting, auditing, budgeting, and purchasing; education; and in planning and research activities that include statistical compilation, judicial planning, and legal services.

[Code §§685.6, 685.8; Court Administrator]

Quasi-Judicial Officers

6.1 DISTRICT COURT

6.2 Referee

a. The District Court judge presiding over the juvenile matters is empowered to appoint referees. Referees must be licensed attorneys.

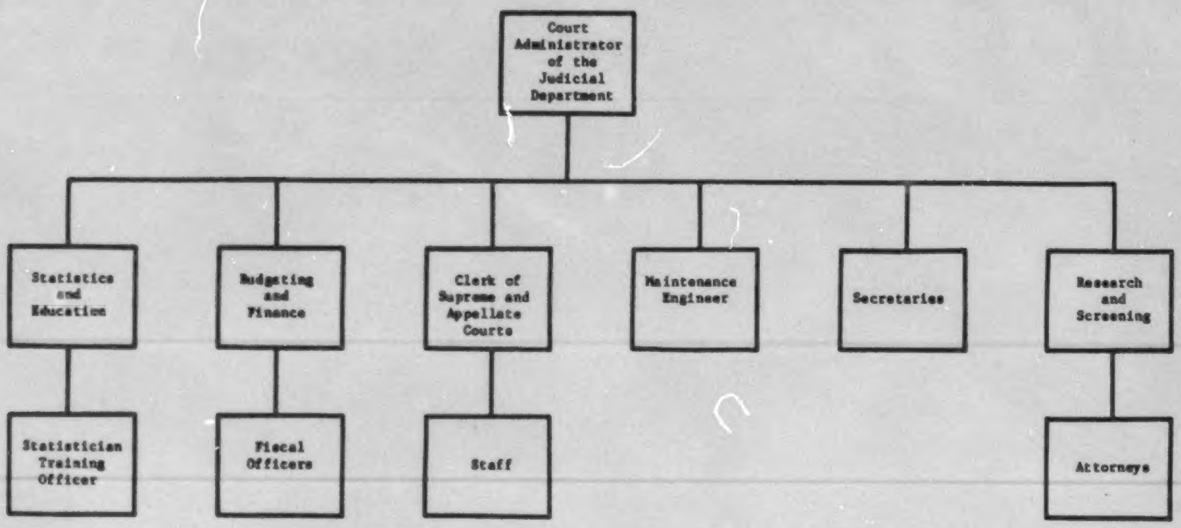
b. Referees are authorized to hear any juvenile proceeding in the first instance. At the conclusion of the referee's hearing a report of his findings of fact are transmitted to the appointing judge. The parties are entitled to a rehearing before the judge as a matter of right if they so request within 7 days of the filing of the referee's findings.

[Code §231.3]

Judicial Discipline

7.1 Commission on Judicial Qualifications. The commission consists of one District Court judge and two attorneys appointed by the Chief Justice of the Supreme Court, and four nonattorneys appointed by

Figure 2: Iowa state-level administrative office of the courts, 1980


Court Administrator of the Judicial Department
Statistics and Education
Budgeting and Finance
Clerk of Supreme and Appellate Courts
Maintenance Engineer
Secretaries
Research and Screening
Statistician Training Officer
Fiscal Officers
Staff
Attorneys

the Governor and confirmed by the Senate.
[Code §605.26]

7.2 Authority and procedure for sanction. Charges before the commission are informal. The commission investigates each charge and may apply to the Supreme Court to retire, discipline, or remove the judge. Any action or recommendation of the commission requires the vote of a quorum (four members) of the commission. All its records and proceedings are confidential, but if the commission applies to the Supreme Court to retire, discipline, or remove a judge, the application and all records become public documents. If the commission does make such an application, the Attorney General prosecutes the proceedings in the Supreme Court and the judge may defend in person and by counsel. If the Supreme Court finds the application should be granted in whole or in part, it takes the appropriate action.
[Code §§605.28, 605.29, 605.30]

KANSAS

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court of Kansas meets at Topeka beginning on the first Tuesday in January and July of each year. Special and adjourned terms of the court may also be held.

[Kansas Statutes Annotated (hereinafter K.S.A.) Section 20-102]

1.2 Organization. Because the court consists of seven justices and the constitution requires the concurrence of not fewer than four justices for a decision, panels are not authorized. Screening panels, however, are authorized to determine the proper calendar on which a case should be placed. The screening panels consist of three justices designated by the Chief Justice. The court has divided the state into six sections, known as judicial departments. The departments provide a means of exchanging information with the District Courts on administrative matters. A justice is assigned as departmental justice for each department.

[Constitution, Article III, Section 2; K.S.A. §20-318; Supreme Court Rule (hereinafter S.C.R.), No. 7.01 (3)]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus. The Supreme Court has original and exclusive jurisdiction in regard to any controversy relating to the apportionment of representation in the state legislature.

b. Any decision of the Court of Appeals is subject to review by the Supreme Court at its discretion. Any party, however, may appeal a Court of Appeals decision to the Supreme Court as a matter of right when a constitutional issue arises for the first time as a result of the decision. Transfers to the Supreme Court from the Court of Appeals are authorized when the case is not within its jurisdiction; the subject matter has significant public interest; the case involves legal questions of major public significance; or the caseload of the Court of Appeals is such that expeditious administration requires the transfer.

A direct appeal to the Supreme Court from the District Court is required in criminal cases in which the defendant has been convicted of a Class A or B felony or a sentence with a maximum of life has been imposed, and when a statute of Kansas or of the United States has been held unconstitutional.

A direct appeal to the Supreme Court may be filed as a matter of right by the prosecution from an order dismissing a complaint, information, or indictment, from an order arresting judgment, or from a question reserved by the prosecution.

[Const., Art. III, §3; K.S.A. §§20-101a, 20-3016, 22-3601, 22-3602, 60-2101]

1.4 Justices (7)

a. The justice who is senior in continuous term of service is Chief Justice. If two or more have continuously served during the same period, the one senior in age becomes Chief Justice. He may continue in this position as long as he is on the court or he may resign the position and remain on the court.

b. Supreme Court justices must be at least 30 years of age, must be authorized to practice law in the courts of the state and must have engaged in the active and continuous practice of law for a period of 10 years prior to appointment.

c. Supreme Court justices are appointed by the Governor from a list of three qualified persons submitted by the Supreme Court Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). In the event the Governor fails to make an appointment within 60 days of the submission of the names, the Chief Justice makes the appointment. After serving 1 year, justices are subject to a retention vote. If retained, justices remain in office for 6-year terms.

[Const., Art. III, §§2, 5, 7; K.S.A. §20-105]

1.5 Administration

a. The Supreme Court has general administrative authority over all courts in the state. The Chief Justice has the responsibility for executing and implementing the administrative rules and policies of the Supreme Court, including supervision of the personnel and financial affairs of the court system. The Judicial Administrator, district administrative judges, trial court administrators, and chief clerks assist the Chief Justice in the administration and supervision of the court system. Reference Section 5.1 (General administrative authority). The Chief Justice appoints a justice to the Supreme Court or a judge to the Court of Appeals when the Governor fails to do so.

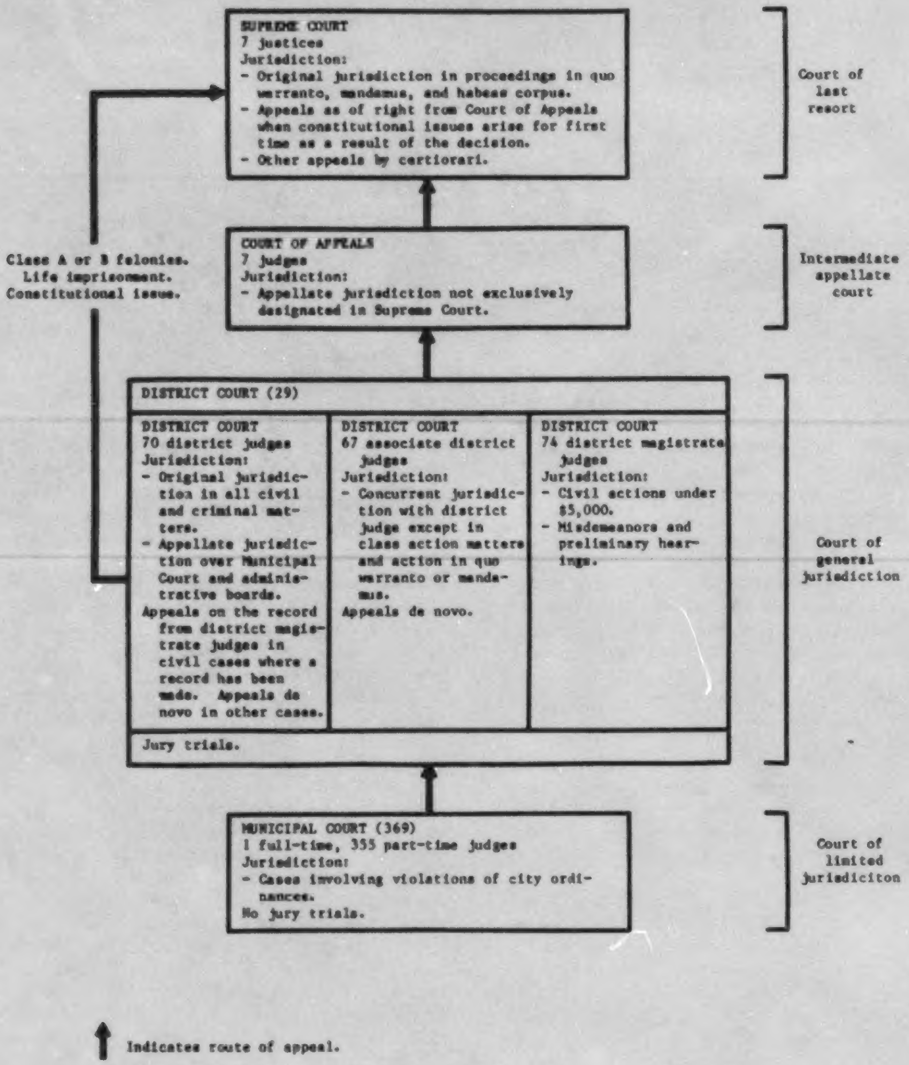
b. Reference Section 5.2.b (state-level administrator).

c. The constitution provides for a clerk of the Supreme Court, who is appointed by the court to a 2-year term. It is desirable that the clerk possess a college degree and experience in court administration. The clerk plans, organizes, and supervises the administration of the office, including the assignment and evaluation of personnel. He serves as secretary to the Supreme Court Nominating Commission and the Commission on Judicial Qualifications (reference Section 7.1) and also processes bar admission applications and applications for court reporter certification.

[Const., Art. III, §§1, 4; K.S.A. §§20-101, 20-3009; Office of Judicial Administration]

1.6 Rule-making. Rule-making authority in Kansas is exercised jointly by the Supreme Court and the

Figure 1: Kansas court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus.
- Appeals as of right from Court of Appeals when constitutional issues arise for first time as a result of the decision.
- Other appeals by certiorari.

Court of last resort

Class A or B felonies.
Life imprisonment.
Constitutional issue.

COURT OF APPEALS
7 judges
Jurisdiction:
- Appellate jurisdiction not exclusively designated in Supreme Court.

Intermediate appellate court

DISTRICT COURT (29)

DISTRICT COURT
70 district judges
Jurisdiction:
- Original jurisdiction in all civil and criminal matters.
- Appellate jurisdiction over Municipal Court and administrative boards.

Appeals on the record from district magistrate judges in civil cases where a record has been made. Appeals de novo in other cases.

DISTRICT COURT
67 associate district judges
Jurisdiction:
- Concurrent jurisdiction with district judge except in class action matters and action in quo warranto or mandamus.

Appeals de novo.

DISTRICT COURT
74 district magistrate judges
Jurisdiction:
- Civil actions under $5,000.
- Misdemeanors and preliminary hearings.

Jury trials.

Court of general jurisdiction

MUNICIPAL COURT (369)
1 full-time, 355 part-time judges
Jurisdiction:
- Cases involving violations of city ordinances.

No jury trials.

Court of limited jurisdiciton

↑ Indicates route of appeal.

legislature. Rules of criminal, civil, and Municipal Court procedure have been statutorily enacted, while rules relating to the Supreme Court, Court of Appeals, District Court, and appellate practice have been promulgated by the Supreme Court. In 1963, the legislature granted the Supreme Court the authority to supplement or amend the rules of civil procedure. Similar authority with respect to the rules of criminal procedure was granted in 1970. The Supreme Court also has administrative authority over all courts. The Chief Justice is responsible for executing and implementing the administrative rules and policies of the Supreme Court.

[Const., Art. III, §1; K.S.A. §§20-101, 22-4601, 60-2607]

Intermediate Appellate Court

2.1 COURT OF APPEALS. Hearings before the court sitting en banc are held in Topeka, unless otherwise ordered. There are no specified terms of the Court of Appeals.

[S.C.R., No. 7.02]

2.2 Organization. The judges are authorized to sit en banc or in 3-judge panels. The chief judge may sit as a member of a panel and presides over that panel. When he is not a panel member, he appoints a member of the panel to preside. Hearings are before panels unless a majority of judges orders an appeal or proceedings to be held en banc. Hearings before panels of the court may be held in any county of the state.

[K.S.A. §20-3012; S.C.R., No. 7.02; Judicial Administrator]

2.3 Jurisdiction

a. The Court of Appeals has original jurisdiction as is necessary for the complete determination of any cause on review.

b. The Court of Appeals has jurisdiction to correct, modify, vacate, or reverse any act, order, or judgment of a District Court. In criminal cases, an appeal may be taken by the defendant as a matter of right from any judgment against him in District Court, except no appeal may be taken by the defendant from a conviction upon a plea of guilty or nolo contendere (if the plea was to a district or associate district judge), unless taken on jurisdictional or other grounds involving the legality of the proceedings. As of right, provisional remedies, injunctions, writs, receiverships, and debatable questions of law may be appealed to the Court of Appeals.

[K.S.A. §§20-3001, 22-3602, 60-2101, 60-2102]

2.4 Judges (7)

a. The chief judge is designated by and serves at the pleasure of the Supreme Court.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are selected in the same manner as Supreme Court justices. After serving for 1 year, judges are subject to a retention vote. If retained, judges serve 4-year terms. Reference Section 1.4.c.

[K.S.A. §§20-3002, 20-3007 to 20-3011]

2.5 Administration

a. The chief judge of the Court of Appeals has the administrative authority to designate the number and composition of all panels, make judicial assignments, set the time and places for hearings, establish internal operating procedures, and perform other administrative duties as required.

b. The Judicial Administrator provides the Court of Appeals with administrative services as directed by the Supreme Court. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court serves also as the clerk of the Court of Appeals and is referred to as "the clerk of the appellate courts." Reference Section 1.5.c.

[K.S.A. §20-3015; S.C.R., No. 1.01, 1.02]

2.6 Rule-making. Reference Section 1.6. The chief judge, after consultation with other judges of the court, is authorized to establish internal operating procedures for the orderly handling of the court's business and distribution of work.

[S.C.R., No. 1.02]

Court of General Jurisdiction

3.1 DISTRICT COURT. Court terms are determined by the Supreme Court.

[S.C.R., No. 101]

3.2 Organization. In Kansas, each county is required to have a District Court. The state is divided into 29 districts, with from 1 to 7 counties in each district. The number of judges per district ranges from 1 to 22. Districts with more than one district judge are divided into divisions.

Judges of the District Court are authorized, with the approval of the Supreme Court, to establish specialized divisions of the court. These may include, but are not limited to, the following: Probate, Traffic, Juvenile, and Domestic Relations Divisions, or any combination thereof.

[K.S.A. §§4-202 to 4-230, 20-301, 20-438]

3.3 Jurisdiction

a. The District Court has general original jurisdiction in all matters, both criminal and civil, unless otherwise provided by law. There are three classes of judges in the District Court: district and associate district judges have similar authority; district magistrate judges are more limited in their jurisdiction. The specific jurisdiction of each class of judges is as follows:

(1) District judge. The district judge has the full judicial power and authority of a District Court.

(2) Associate district judge. An associate district judge has concurrent jurisdiction, powers, and duties with a district judge except he does not have jurisdiction or cognizance of class actions or actions in quo warranto or mandamus. An appeal may be taken from an order or decision of an associate district judge in the same manner as from an order or decision of a district judge.

(3) District magistrate judge. A district magistrate judge has jurisdiction to conduct trials of misdemeanor charges and preliminary examinations of felony charges and to hear civil cases where the amount in controversy does not exceed $5,000. In the absence, disability, or disqualification of a district judge or associate district judge, a district magistrate judge has jurisdiction to grant a restraining order, appoint a receiver, or make any order authorized by K.S.A. §60-1607.

b. The District Court has such appellate jurisdiction as prescribed by law. Any appeal to be taken from an order or final decision of a district magistrate judge is tried de novo by a district or associate district judge, except in civil cases where a record was made of the proceeding, in which case the appeal is tried and determined on the record. The decision of a Municipal Court may be appealed by right when the accused is found guilty of a municipal ordinance violation. A city may appeal the Municipal Court's decision upon questions of law. Decisions of an administrative board or an officer with quasi-judicial or judicial powers may be appealed to the District Court.

[K.S.A. §§12-4601, 20-301, 20-302, 20-302a, 20-302b, 22-3609, 60-2101; 1979 Session Laws, Chapter 92; Judicial Administrator]

3.4 Judges. (70 district judges, 67 associate district judges, and 74 district magistrate judges).

a. There is no provision for a chief judge over all the districts of the District Court. The administrative judge of each district is appointed by the Supreme Court and serves at the pleasure of the Supreme Court for 2-year terms. Prior to appointing an administrative judge, the Supreme Court solicits recommendations from the district judges. The desires of a judge to serve are also considered.

b. District Court judges and associate judges must be at least 30 years old and must be authorized to practice law in Kansas. They must also be residents of the appropriate judicial districts and must have practiced law for at least 5 years. Associate judges must also be residents of the respective counties in which they serve. A district magistrate judge must be a high school graduate or equivalent, must be a resident of the county in which he serves, and, if not a lawyer, must be certified by the Supreme Court.

c. The constitution of Kansas provides for the election of all three classes of District Court judges unless the voters have adopted a merit selection system. In 22 districts, whenever a vacancy occurs, a successor is appointed by the Governor from nominations by a District Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). After serving 1 year, each judge is then subject to a retention election in his judicial district. In the seven districts that have not approved merit selection of judges, district judges and associate district judges are elected on partisan ballots.

Elected and retained judges serve 4 years. Appointed judges serve 1 year and are then subject to retention by the voters at the next regularly scheduled election and every 4 years thereafter.

[Const., Art. III, §§6, 7; K.S.A. §§20-329, 20-334, 20-337, 20-2901, 20-2909, 20-2912, 20-2915; Supreme Court Administrative Order No. 5, dated October 19, 1977; 1979 Annual Report, p. 7; Judicial Administrator]

3.5 Administration

a. Whereas there is no chief judge over all the districts of the District Court, the administrative judge of each district has general supervisory authority over the clerical and administrative functions of the district. He supervises recruitment, removal, compensation, and training of nonjudicial employees of the court. He prepares rules and regulations governing personnel matters. He is responsible for preparing and submitting the judicial budget to the county commissioners. The administrative judge supervises the assignment of cases and the fiscal affairs of the court. He is responsible for coordinating statistical and management information and evaluates the effectiveness of the court's administration of justice.

The administrative judge appoints the court administrator, in districts that have such an administrator, with the approval of the other district judges. He appoints bailiffs, court reporters, secretaries, court services officers, and other clerical and nonjudicial employees as needed. The administrative judge appoints a chief clerk of the District Court, and in those districts composed of more than one county, appoints a clerk in each county. In the absence, sickness, or disability of a District Court judge, and if another judge has not been assigned to the district by the departmental justice, a judge pro tem may be appointed by the administrative judge or the departmental justice. Such judges pro tem must be regularly admitted members of the state bar.

The administrative judge supervises the assignment of cases and the fiscal affairs of the court. He is responsible for coordinating statistical and management information and evaluates the effectiveness of the court's administration of justice.

The administrative judge appoints committees and represents the court in business, administrative, or public relations matters.

b. The judicial personnel system provides for trial court administrators for the districts. Seven districts have filled the position. It is required that a court administrator possess a college degree in court, public, or business administration and have previous work experience in an administrative capacity. The administrative judge, with the approval of the other district judges, appoints the court administrator. His duties include the supervision and coordination of administrative functions and operations of the District Court, direction of the activities of nonjudicial personnel, and other duties as assigned. Reference Section 5.2.b (state-level administrator).

c. The administrative judge, with the approval of the majority of the other district judges in the district, appoints a chief clerk in those districts not having a court administrator. In judicial districts composed of more than one county, a clerk is appointed in each of the counties within the district by the administrative judge, with the approval of the majority of the other district judges in the district. The statute states that qualifications are as prescribed by statute, rule of District Court, and rule of Supreme Court. Clerks and other personnel have such powers, duties, and functions as prescribed by law, rules of the Supreme Court, or assigned by the administrative judge. Clerks are required by law to maintain an appearance docket, a journal, and a judgment docket. All clerks of the court are required to make reports to the Judicial Administrator and furnish required information.

[K.S.A. §§20-162, 20-310a, 20-329, 20-343, 20-344, 20-345, 20-349, 60-2601; S.C.R., No. 1.03, 107; Office of Judicial Administration]

3.6 Rule-making. Reference Section 1.6. Each District Court by action of a majority of its judges may make and amend rules governing its civil practice not inconsistent with the code of civil procedure or Supreme Court rules. Such local rules must be furnished to the Supreme Court. In addition, each District Court, by action of a majority of the district judges and after consultation with the associate district judges and district magistrate judges, may issue such rules as necessary for the administration of the court and the regulation and supervision of nonjudicial personnel. Such rules must be consistent with applicable statutes and rules of the Supreme Court.

[K.S.A. §§20-342, 60-267, 60-2702(a); S.C.R., No. 105]

Court of Limited or Special Jurisdiction

4.1 MUNICIPAL COURT. Municipal Court is held at such times as designated by city ordinance.

[K.S.A. §12-4109]

4.2 Organization. Municipal Court is held at such places as designated by city ordinance. Provision is made for first class cities with populations of 100,000 or more to have a total of three divisions.

[K.S.A. §§12-4109, 13-628a]

4.3 Jurisdiction

a. The Municipal Court of each city has jurisdiction to hear and determine cases involving violations of city ordinances and trials without juries. Search warrants may not be issued by Municipal Court judges.

b. The Municipal Court has no appellate jurisdiction.

[K.S.A. §12-4104]

4.4 Judges (356). There is only 1 full-time judge. Several cities have more than one part-time judge and several judges serve more than one city.

a. The individual Municipal Courts do not have presiding judges.

b. Municipal Court judges must be 18 years old. In first class cities, they must also be attorneys, admitted to practice in Kansas. In all but first class cities with a mayor/council government, the statutes require the judge to be a resident of the state.

c. There are statutory provisions relating to selection procedures for Municipal Court judges. Cities enjoy constitutional home rule power, however, which permits them to modify state statutes that are not uniformly applicable. In most cities, the judge is appointed by the mayor with the approval of the legislative body. Judges in cities with a population of 60,000 or more are appointed for 2-year terms or until a successor is appointed and qualified. Judges appointed in first class cities with a population less than 60,000, or in second class cities with a commission government have terms set by ordinance. Judges in second class cities with a mayor/council government and in third class cities are appointed for 1-year terms.

[Const., Art. XII, §5; K.S.A. §§12-4105, 13-2102, 13-527, 13-628a, 13-628b, 14-201, 14-204, 14-205, 14-1501, 14-1502, 14-1601, 15-204, 15-209; Judicial Administrator]

4.5 Administration

a. There are no provisions for presiding judges for the individual Municipal Courts. The municipal judges are required to maintain a docket to show the full proceedings in each case. In cities without clerks, the judges are responsible for clerical and financial details.

b. There are no provisions for administrators for the individual Municipal Courts. Reference Section 5.2.b (state-level administrator).

c. In cities providing for the office of clerk, the clerks are appointed by the Municipal Court judges. In practice, the clerks are responsible for overseeing the court's clerical functions. There are wide variances in their autonomy and independence in other matters (e.g., preparing budgets, personnel matters). There are no formal provisions for assigning administrative duties to the clerks.

[K.S.A. §§12-4106, 12-4108; Judicial Administrator]

4.6 Rule-making. If no procedure is provided by statute, the court is authorized to proceed in any lawful manner.

[K.S.A. §12-4103]

State-Level Administration

5.1 General administrative authority. The Supreme Court has general administrative authority over all courts in the state.

a. Chief Justice. The Chief Justice is the spokesman for the Supreme Court and exercises the court's general administrative authority over all the courts. Reference Section 1.5.a.

b. Departmental justices. Under the provisions of the Judicial Department Reform Act of 1965, the Supreme Court divided the state into six sections, known as judicial departments. Specific departmental divisions are contained in S.C.R., No. 1.03(f); K.S.A. §60-2701(a). A justice of the Supreme Court is assigned as departmental justice for each department. Departmental justices are responsible for administrative activities within their departments. They assign judges between districts and meet periodically with their judges to deal with administrative matters.

[Const., Art. III, §1; K.S.A. §§20-101, 20-318; Judicial Administrator]

5.2 Office of Judicial Administration

a. The Office of Judicial Administration is inferred by the statute creating the position of Judicial Administrator.

b. Judicial Administrator

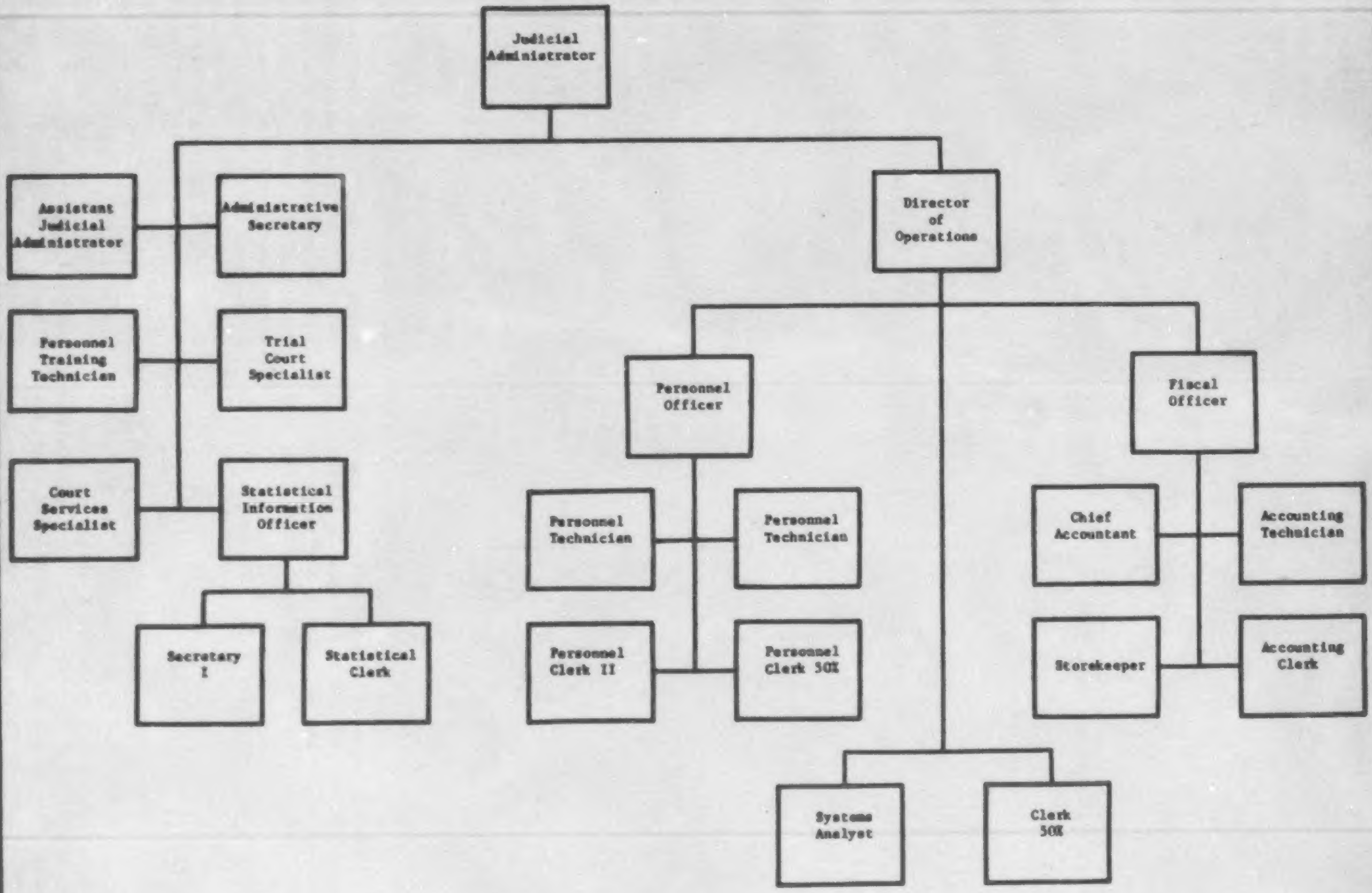
(1) The Kansas statutes authorize the appointment of the Judicial Administrator.

(2) The Judicial Administrator must be admitted to the practice of law in Kansas, must have a broad knowledge of judicial administration, and must have substantial prior experience in an administrative capacity. The Judicial Administrator is appointed by the Chief Justice.

(3) The Judicial Administrator is responsible to the Supreme Court and implements the policies of the court with respect to the operation and administration of the courts, under the supervision of the Chief Justice. He assists the Supreme Court in fiscal management and the assignment of judges, and coordinates educational programs for all court personnel. He studies the administrative and clerical methods of the District Court, examines their dockets, collects statistics, approves vouchers drawn on appropriations, and recommends appropriations for District Court operations that are paid by the state.

c. Office organization. The Office of Judicial Administration consists of 25 people: 12 professionals (including the Judicial Administrator) and 13 clerical personnel. The professional staff provides support services in the following areas: systems analysis, records management, and forms development; probation coordination, court coordination, and other court services; payroll, accounting, budgeting, and purchasing; education; personnel systems and office management; legislative, executive, public, and media information, legislative liaison, and executive liaison; and planning and research activities including statistical compilation, research, evaluation, statistical analysis, legal services, and legislative drafting. Under the supervision of the Chief Jus-

Figure 2: Kansas state-level administrative office of the courts, 1980


Judicial Administrator
Assistant Judicial Administrator
Administrative Secretary
Personnel Training Technician
Trial Court Specialist
Court Services Specialist
Statistical Information Officer
Secretary I
Statistical Clerk
Director of Operations
Personnel Officer
Personnel Technician
Personnel Technician
Personnel Clerk II
Personnel Clerk 50%
Fiscal Officer
Chief Accountant
Accounting Technician
Storekeeper
Accounting Clerk
Systems Analyst
Clerk 50%

tice, office employees are appointed by the Judicial Administrator.

[K.S.A. §§20-101, 20-318, 20-2205; S.C.R., No. 1.03(c); 1979 Session Laws, Ch. 81; Office of Judicial Administration]

Quasi-Judicial Officers

6.0 There are no quasi-judicial officers in the courts of Kansas.

Judicial Discipline

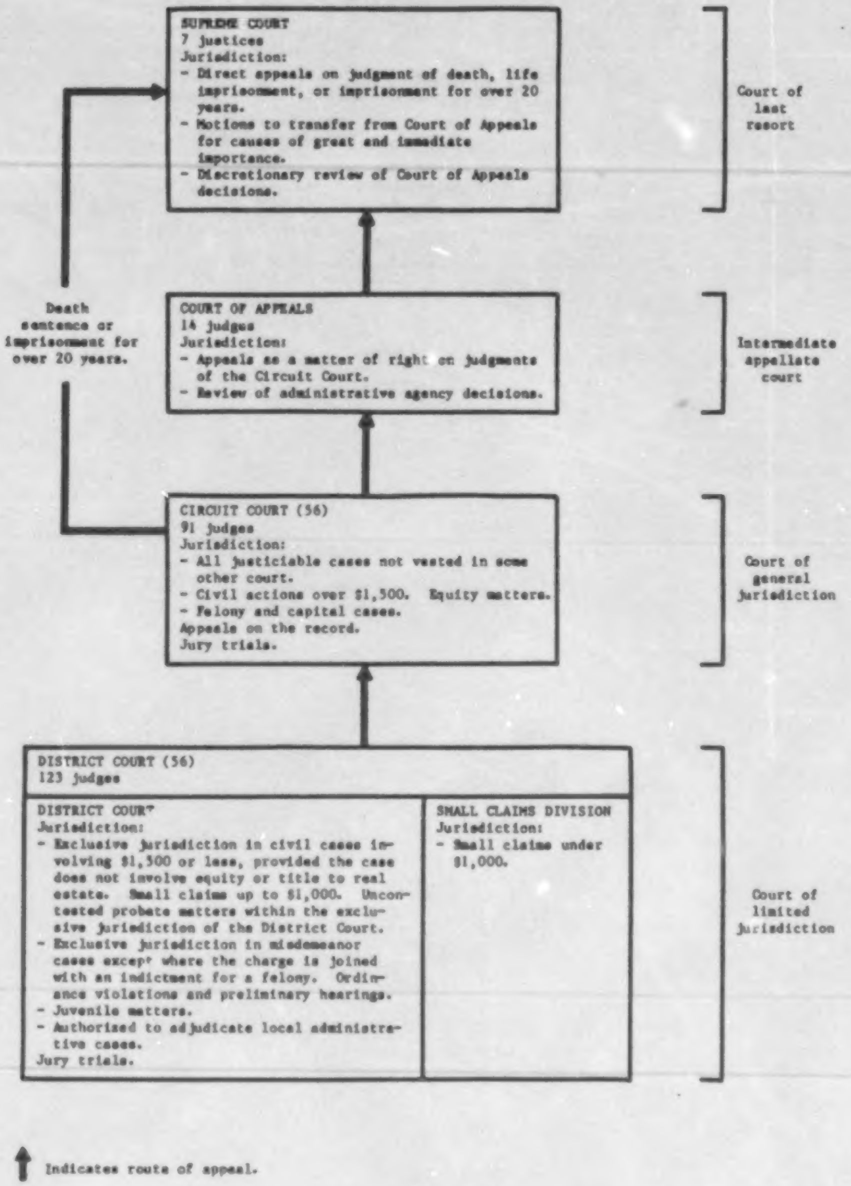
7.1 Commission on Judicial Qualifications. The commission consists of nine members including four active or retired judges, two nonlawyers, and three lawyers, all are appointed by the Supreme Court.

[S.C.R., No. 602]

7.2 Authority and procedure for sanction. The commission initiates a preliminary investigation upon receiving a complaint of judicial misconduct. The judge is advised of the investigation and may present information to the commission. If the investigation finds cause, the commission convenes a formal hearing. Supreme Court rules specify rights of the judge and procedures to be followed. If the commission finds the charges proven, it recommends to the Supreme Court the discipline, suspension, removal, or compulsory retirement of the judge. All commission proceedings and records are confidential until disclosed by the commission or are part of a formal hearing open to the public. After review of the matter, the Supreme Court may take such action as it deems appropriate.

[S.C.R., No. 602 to No. 625; Judicial Administrator]

Figure 1: Kentucky court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Direct appeals on judgment of death, life imprisonment, or imprisonment for over 20 years.
- Motions to transfer from Court of Appeals for causes of great and immediate importance.
- Discretionary review of Court of Appeals decisions.
Court of last resort
Death sentence or imprisonment for over 20 years.
COURT OF APPEALS
14 judges
Jurisdiction:
- Appeals as a matter of right on judgments of the Circuit Court.
- Review of administrative agency decisions.
Intermediate appellate court
CIRCUIT COURT (56)
91 judges
Jurisdiction:
- All justiciable cases not vested in some other court.
- Civil actions over $1,500. Equity matters.
- Felony and capital cases.
Appeals on the record.
Jury trials.
Court of general jurisdiction
DISTRICT COURT (56)
123 judges
DISTRICT COURT
Jurisdiction:
- Exclusive jurisdiction in civil cases involving $1,500 or less, provided the case does not involve equity or title to real estate. Small claims up to $1,000. Uncontested probate matters within the exclusive jurisdiction of the District Court.
- Exclusive jurisdiction in misdemeanor cases except where the charge is joined with an indictment for a felony. Ordinance violations and preliminary hearings.
- Juvenile matters.
- Authorized to adjudicate local administrative cases.
Jury trials.
SMALL CLAIMS DIVISION
Jurisdiction:
- Small claims under $1,000.
Court of limited jurisdiction
Indicates route of appeal.

KENTUCKY

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits at Frankfort, the state capital, for one term each year commencing on the first juridical day of January and ending on the last juridical day of December.

[Rules of the Supreme Court (hereinafter S.C.R.) 1.020]

1.2 Organization. The Supreme Court does not sit in panels. There are seven districts for election purposes.

[Constitution Sections 110, 117]

1.3 Jurisdiction

a. The Supreme Court has no original jurisdiction other than the power to issue all writs necessary in the aid of its appellate jurisdiction or the complete determination of any cause, or as may be required to exercise control of the entire court system.

b. The constitution provides that appeals from Circuit Court judgments imposing a sentence of death or imprisonment for 20 or more years shall be taken directly to the Supreme Court. The extent of its remaining appellate jurisdiction is determined by court rule.

[Const. §110]

1.4 Justices (7)

a. The Chief Justice is elected to a 4-year term by peer vote.

b. Supreme Court justices must be United States citizens, must have been residents of Kentucky and the districts from which they are elected for at least 2 years. Justices must also have been licensed attorneys for at least 8 years before election.

c. Supreme Court justices are elected to 8-year terms from their respective districts on nonpartisan ballots. If a vacancy occurs, the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions) submits a list of three names to the Governor. If he fails to make an appointment within 60 days, the appointment is made from the same list by the Chief Justice. Appointees serve until the next general election, unless their appointment is made within 3 months thereof. In that case, they serve until the second succeeding general election.

[Const. §§110, 117, 118, 122, 152; Kentucky Revised Statutes (hereinafter K.R.S.) Section 34.030]

1.5 Administration

a. The power of general supervision of the court system is vested in the Chief Justice. He exercises administration and supervison over the entire court system through the Director of the Administrative Office, chief judges, regional administrative judges, and administrative assistants. Reference Section 5.1 (General administrative authority). In regard to the Supreme Court, the Chief Justice signs orders of the court and appoints administrative assistants.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by the court. He is responsible for maintaining court records and supervising deputies in that function.

[Const. §§110, 114; K.R.S. §§21A.030, 27A.050; S.C.R. 1.020; Director of the Administrative Office of the Courts]

1.6 Rule-making. The Supreme Court has the power to prescribe rules governing its appellate jurisdiction, rules for the appointment of commissioners and other court personnel, and rules of practice and procedure for the court system. The policy-making and administrative authority of the court system is vested in the Supreme Court and the Chief Justice.

[Const. §116; S.C.R. 1.010]

Intermediate Appellate Court

2.1 COURT OF APPEALS. Panels of the court sit at various locations in the state prescribed by the court. The court also determines when the panels sit.

[Const. §111]

2.2 Organization. Statewide uniform jurisdiction is exercised by the Court of Appeals. The 14-judge court is divided by the chief judge into panels of not less than three judges. Decisions are by majority vote.

[Const. §111]

2.3 Jurisdiction

a. The Court of Appeals may issue all writs necessary in aid of its appellate jurisdiction or in aid of the complete determination of any cause within its appellate jurisdiction.

b. The constitution specifies that the court's appellate jurisdiction shall be as provided by law. An appeal may be taken as a matter of right to the Court of Appeals from any conviction, final judgment, order, or decree of the Circuit Court, unless such actions were rendered on an appeal from the District Court. An appeal may be taken to the Court of Appeals by the state in criminal cases from an adverse decision or ruling of the Circuit Court, but only under certain circumstances as specified in the statutes and court rules. No review by appeal or by writ of certiorari is permitted from a Circuit Court order dissolving a marriage. The Court of Appeals may review interlocutory orders of the Circuit Court in civil cases, but only as authorized by Supreme Court rules. Authorization has been granted and procedures established by the Supreme Court.

[Const. §111; K.R.S. §22A.020; S.C.R. 65.07]

2.4 Judges (14)

a. The chief judge is elected to a 4-year term by peer vote.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are elected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const. §111]

2.5 Administration

a. The chief judge exercises such authority and performs such duties in the administration of the court as prescribed by the constitution or the Supreme Court. The chief judge assigns cases to the panels and determines the times and places for holding hearings. He also assigns judges to the panels. Their assignments are rotated in such a manner that over the course of each year each judge sits with each of the other judges, other than the chief judge, with substantially the same frequency. Other than the chief judge, all judges are assigned to sit in each appellate district with substantially the same frequency as each of the other judges. The chief judge designates presiding judges for each panel. If a proposed panel decision is in conflict with another panel's decision on the same subject, the chief judge may reassign the case to the entire court. The chief judge appoints a chief judge pro tem to serve during his absence.

b. There are no provisions for an administrator for the Court of Appeals. Reference Section 5.2.b. (state-level administrator).

c. At present the clerk of the Supreme Court serves as clerk of the Court of Appeals. Reference Section 1.5.c. He is appointed by the court and serves at its pleasure. He appoints assistants in the number and at the salaries fixed by the Supreme Court.

[Const. §111, 114; K.R.S. §22A.040; S.C.R. 1.030; Director of the Administrative Office of the Courts]

2.6 Rule-making. Procedural rule-making authority is vested in the Supreme Court. Certain administrative rules for the Court of Appeals have been promulgated by the Supreme Court. These rules address such matters as nonjudicial personnel appointments, case assignments, and judge rotation among others.

[Const. §116; S.C.R. 1.030]

Court of General Jurisdiction

3.1 CIRCUIT COURT. The court sits in continuous session.

[K.R.S. §23A.010]

3.2 Organization. Each of the state's 56 judicial circuits contains from 1 to 4 of the state's 120 counties. Circuit boundaries must follow county lines. Court must be held in each county of the circuit. There are no specialized divisions of the court.

[Const. §112; K.R.S. §23A.020]

3.3 Jurisdiction

a. The Circuit Court has original jurisdiction in all justiciable causes not exclusively vested in some other court.

b. The Circuit Court has appellate jurisdiction over District Court decisions.

[K.R.S. §§23A.010, 23A.080]

3.4 Judges (91). The specific number of judges in each circuit is authorized by the legislature upon certification of the necessity by the Supreme Court.

a. There is no provision for a chief judge over all the circuits of the Circuit Court. Chief judges of multi-judge Circuit Courts are chosen by peer vote and serve 2-year terms. Circuit Court judges in 10 administrative regions select an administrative judge for each region.

b. Circuit Court judges must be United States citizens, must be members of the Kentucky Bar, must have been residents of Kentucky and the districts from which elected for at least 2 years, and must possess 8 years of experience as attorneys.

c. Circuit Court judges are elected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const. §§112, 117 to 119, 122]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, there are chief judges for the individual courts. Duties of the chief judges of the multi-judge Circuit Courts are prescribed by the Supreme Court. The chief judges prepare local court rules, as deemed necessary, with the assistance of appropriate committees. Tentative approval of such rules is then solicited from a majority of the circuit judges prior to their submission to the local bar for consideration and recommendation. The circuit judges then recommend the rules to the Supreme Court for its review and final approval. The chief judges also perform the following duties:

(1) Assign the business of the court and publish for general distribution copies of a current court calendar setting forth the assignments of the judges, the times and places assigned for hearing the various types of court business, and any special calendaring requirements adopted by the court for such hearings.

(2) Reassign cases from one judge to another as necessary.

(3) Call meetings of judges as necessary.

(4) Supervise the administrative business of the courts and exercise general direction and supervision over the courts' nonjudicial personnel.

(5) Provide for proper liaison between the courts and other governmental and civil agencies.

(6) When appropriate, meet with any committee of the bench, bar, and news media to review problems and to promote understanding of the principles of fair trial and free press.

(7) Provide orientation programs for newly elected or appointed judges.

(8) Regulate the assignment of cases to the judges on a random basis.

The chief judges of the Circuit Courts also develop and coordinate with the Circuit Court clerks and the chief judges of the districts a local plan for jury management. They chair the advisory board for the pretrial services agency and submit improvement recommendations as appropriate.

The 10 regional administrative judges supervise the regional administrative activities and exercise the judicial assignment authority delegated to them by the Chief Justice. Each administrative judge is assisted by a regional coordinator who is based in the state capital. The coordinators advise the administrative judges on judicial transfers required due to case overloads and disqualifications. The coordinators also promote, at the direction of the administrative judges, the standardization of procedures in each of the regions' courts through regular meetings of the regions' judges.

b. There are no provisions for an administrator over all the circuits of the Circuit Court, or for administrators for the individual circuits. Reference Section 5.2.b (state-level administrator).

c. Circuit Court clerks are authorized by the constitution to serve both the Circuit and District Courts. The clerks are elected to 6-year terms and can be removed from office by the Supreme Court for good cause. They can issue driver's licenses and passports.

[Const. §§97, 112, 114; S.C.R. 1.040; Director of the Administrative Office of the Courts]

3.6 Rule-making. Rule-making authority is vested in the Supreme Court. Circuit Courts may adopt local rules, however, that are consistent with the Rules of Criminal and Civil Procedure and the Rules of the Supreme Court. Such rules are prepared by each chief judge with the assistance of appropriate committees of the court. Recommendations are solicited from the local bar. Upon approval by a majority of the court's judges, the rules are submitted to the Supreme Court for review and final approval prior to publication. These same procedures are also applicable to the District Courts.

[Const. §116; S.C.R. 1.040]

Court of Limited or Special Jurisdiction

4.1 DISTRICT COURT. The District Court is classified as a court of continuous session. Sessions of the court can be scheduled at such times, including nights, weekends, and holidays, as may be convenient subject to the direction of the Supreme Court.

[K.R.S. §24A.010]

4.2 Organization. There are 56 judicial districts, whose boundaries are the same as those of the judicial circuits. The General Assembly can reduce, increase, or rearrange the districts upon the certification of such necessity by the Supreme Court. Each district must have at least one judge and court must be held in each county of the district. The chief judge can assign a district judge exclusively to juvenile cases for a period not to exceed 2 years. At that time, the judge must be assigned to other cases. Cases arising in all other jurisdictional categories must be equally apportioned among the district judges. Each District Court has a Small Claims Division.

[Const. §113; K.R.S. §§24A.030, 24A.220; S.C.R. 1.040]

4.3 Jurisdiction

a. The District Court has exclusive jurisdiction in any charge or public offense known as a misdemeanor or violation, except where the charge is joined with an indictment for a felony. The court has concurrent jurisdiction with the Circuit Court to conduct preliminary examinations in felony cases. They may also, upon motion and good cause shown, reduce a charge of a felony to a misdemeanor in accordance with the Rules of Criminal Procedure. The District Court has exclusive jurisdiction in civil cases involving $1,500 or less, provided the case does not involve equity or title to real estate. Each court has a Small Claims Division with jurisdiction up to $1,000. Noncontested probate matters are within the exclusive jurisdiction of the District Court. All cases relating to minors are within the exclusive jurisdiction of the District Court.

b. The District Court has no appellate jurisdiction.

[K.R.S. §§24A.110, 24A.120, §24A.130; Director of the Administrative Office of the Courts]

4.4 Judges (123). The number of District Court judges is authorized by the General Assembly upon certification by the Supreme Court.

a. Chief judges are chosen by peer vote and serve 2-year terms.

b. District Court judges must be United States citizens, must be members of the Kentucky Bar, and must have been residents of Kentucky and the district from which elected for at least 2 years. In addition, judges are required to have served as attorneys for at least 2 years.

c. District Court judges are elected to 4-year terms in the same manner as Supreme Court justices. Reference Section 1.4.c.

[Const. §§111 to 113, 117 to 119, 122]

4.5 Administration

a. Duties of the chief judges are the same as those for Circuit Court judges. Reference Section 3.5.a.

b. There are no provisions for administrators for the District Court. Reference Section 5.2.b (state-level administrator).

c. Clerks of the Circuit Court also serve as clerks of the District Court. Reference Section 3.5.c.

[Const. §114; K.R.S. §30A.010]

4.6 Rule-making. Reference Section 3.6.

State-Level Administration

5.1 General administrative authority. The power of general supervision over the court system is vested in the Chief Justice. The Chief Justice can assign temporarily any justice or judge, active or retired, to sit in any court other than the Supreme Court when he deems such assignment necessary for the prompt disposition of causes. His assignment authority over nonjudicial personnel is similar. The Chief Justice is responsible for the financial affairs, the continuing education programs, and the planning and operations research of the courts. Supervision of the administrative staff of the court system is performed by the Chief Justice. He may delegate the authority to the Director of the Administrative Office of the Courts. The Chief Justice may designate judges or committees of judges to assist him, as necessary. Reference Section 1.5.a.

[Const. §110; K.R.S. §§27A.020, 30A.010]

5.2 Administrative Office of the Courts

a. The office is established by statute.

b. Administrative Director of the Courts

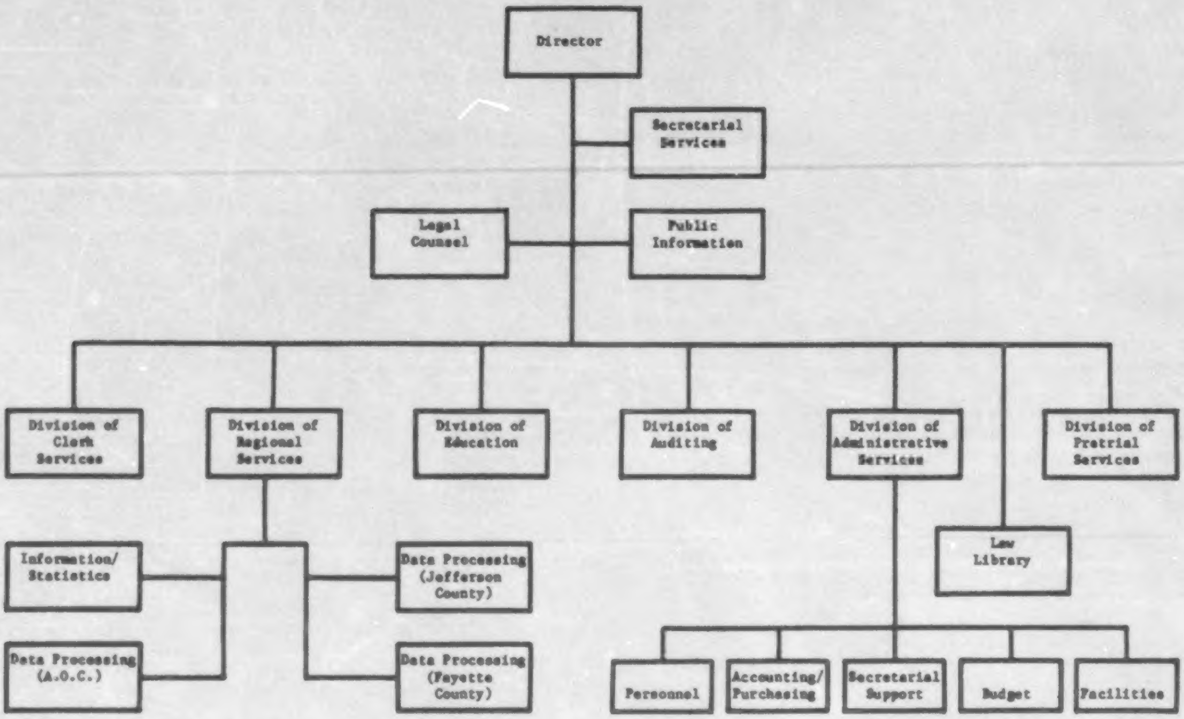
(1) Statutes formally establish the position of Director.

(2) The Administrative Director of the Courts is appointed or reappointed at least every 4 years by the Chief Justice with the advice and consent of the Senate. Court policy requires that the Director be a lawyer with at least 8 years of experience and be at least 35 years of age. The Director must also possess prior administrative experience in the courts and legal profession.

(3) The Administrative Director of the Courts has the following duties:

(a) Performs administrative services for the court system and supervises its clerical and administrative personnel, and its accommodations.

Figure 2: Kentucky state-level administrative office of the courts, 1980


Director
Secretarial Services
Legal Counsel
Public Information
Division of Clerk Services
Division of Regional Services
Division of Education
Division of Auditing
Division of Administrative Services
Division of Pretrial Services
Information/ Statistics
Data Processing (A.O.C.)
Data Processing (Jefferson County)
Data Processing (Fayette County)
Law Library
Personnel
Accounting/ Purchasing
Secretarial Support
Budget
Facilities

(b) Acts as fiscal officer of the court system.

(c) Collects data and makes reports to the Supreme Court relating to the expenditure of public monies for the courts' operation and maintenance.

(d) Ascertains the necessity for temporary assignment of justices and judges, makes reports concerning their performance, and certifies their compensation.

(e) Carries on a continuous survey and study of the organization, operation, and condition of business, practice, and procedures of the system.

(f) Collects and compiles statistical and other data concerning the operations of the court, and requires all necessary reports from the courts and clerks.

(g) Formulates and submits to the Supreme Court recommendations of policies for the system's improvement.

(h) Provides for educational programs for the system's members.

(i) Reports to the General Assembly concerning the work of the system and makes recommendations for the improvement of the administration of justice.

(j) Supervises, operates, and administers all pretrial release programs and personnel.

(k) Performs such other functions as may be assigned by the Chief Justice.

c. Office organization. The Administrative Office of Courts consists of 92.5 people: 51.5 professionals (including the Administrative Director of the Courts) and 41 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, and field representation; court coordination, pretrial services, and facilities management; payroll, accounting, auditing, budgeting, and purchasing; education, training, libraries, and publication; personnel systems, office management and personnel records; legislative, executive, public, and media information, and legislative liaison; and planning and research activities including statistical compilation, research, evaluation, statistical analysis, legal services, legislative drafting and regional planning.

The office was statutorily created to serve as the staff for the Chief Justice in executing the policies and programs of the court system. The office is composed of 7 divisions: Regional Services, Clerk Services, Administrative Services, Education, Pretrial Services, Internal Audit, and the State Law Library. The Division of Clerk Services has the responsibility for records and court management. The Division of Administrative Services supervises the judicial personnel system and is also responsible for all budgetary and fiscal matters. The Division of Regional Services has responsibility for regional administration, collection of statistical data, and data processing. The Division of Pretrial Services supervises a statewide pretrial release program. The Education Division provides continuing education programs for the courts' judges and clerks. The Internal Audit Division conducts ongoing audit services within the court system, including all clerks' offices, and indepth audit reviews where determined to be necessary and appropriate. The State Law Library maintains and distributes library materials and periodicals for the courts and provides technical assistance to local law libraries.

[K.R.S. §§27A.020, 27A.050; S.C.R. 1.050; *State Court Administrators*, p. 50; *1977 Annual Report*, p. 57; Director of the Administrative Office of the Courts]

Quasi-Judicial Officers

6.1.1 CIRCUIT COURT

6.2.1 Master commissioner, domestic relations commissioner, special commissioner, and receiver.

a. The circuit judges of the commonwealth are assisted in their duties by master commissioners, domestic relations commissioners, special commissioners, and receivers. All such officers must be qualified as attorneys. The Circuit Court may appoint one master commissioner and one receiver for each county. Additional commissioners and receivers must be approved by the Chief Justice.

b. The order of reference to a commissioner may specify or limit his powers. He can administer oaths and can require the production of evidence. The admissability of evidence can also be ruled upon by the commissioner. The commissioner's report is filed with the court clerk. Parties have 10 days to file objections. The court after hearing may adopt, modify, or reject the report in part or whole, or may receive further evidence, or may recommit it with instructions.

[K.R.S. §31A.010; Rules of Civil Procedure 53, 53.04, 53.05, 53.06; Director of the Administrative Office of the Courts]

6.1.2 DISTRICT COURT

6.2.2 Trial commissioner

a. The constitution provides that district judges are to be assisted by trial commissioners. In any county in which no district judge resides the chief district judge appoints a trial commissioner who must be a county resident and an attorney, if one is qualified and available. Other commissioners can be appointed upon the certification of such necessity by the Supreme Court.

b. The duties and powers of the commissioners are prescribed by the Supreme Court. They can issue search warrants and warrants of arrest. They may examine any charge and commit the defendant to jail or hold him to bail or other form of pretrial release. If a guilty plea for any offense punishable only by fine of $500 or less is offered, the commissioner can accept it and impose sentence. In juvenile cases, the commissioner can perform the following duties:

(1) Hear and determine if children in custody should be held in detention.

(2) Conduct preliminary inquiries, informally adjust juvenile cases, and cause juvenile petitions to be brought.

(3) Order physical and mental examinations of children.

(4) Issue orders for the temporary custody of children whose welfare is threatened under emergency conditions.

In probate matters, the commissioner can admit to record or reject any will, can appoint executors and administrators of wills and estates, and can fix and approve bonds as required. In civil proceedings, he can authorize orders of attachment and garnishment and writs of possession. He may also conduct judicial sales if so authorized by the chief judge of the district. Writs of forcible entry and detainer and warrants of restitution can also be issued by a commissioner. He may issue orders of involuntary hospitalization of the mentally ill for periods not exceeding 7 days. Finally, he can compel the attendance of witnesses and the production of evidence. The chief district judge can temporarily assign a commissioner to another county within the district. Commissioners are subject to the retirement and removal authority of the Judicial Retirement and Removal Commission.

[Const. §113; S.C.R. 5]

Judicial Discipline

7.1 Judicial Retirement and Removal Commission. The commission is composed of a Court of Appeals judge, selected by that court; one Circuit Court judge and one District Court judge, selected by a majority vote of the judges of those courts, respectively; one member of the bar, appointed by its governing body; and two persons, not members of the bar or bench, appointed by the Governor.

[Const. §121]

7.2 Authority and procedure for sanction. Any justice or judge of the court of justice can be retired for disability or suspended without pay or removed for good cause by the commission. Such actions are subject to judicial review by the Supreme Court. Upon its own motion or upon receiving a written verified complaint, the commission makes a preliminary investigation to determine whether formal proceedings should be initiated. Notice of the investigation is given to the judge, but he is not yet informed of the name of the complainant. The judge can appear informally at the preliminary investigation. If the commission concludes that formal proceedings are necessary, the judge and his counsel are so notified. They are also told the name of the complainant and are given an opportunity to examine all factual information before the commission. The judge has 15 days to file an answer. Formal hearings require the attendance of at least five of the commission's six members. Disciplinary action requires a minimum of four votes. All matters relating to commission proceedings are confidential unless ordered otherwise by the Supreme Court or the commission. Upon the request of the judge being investigated, the record can also be made public. Breach of confidentiality by an investigator or commission member is deemed contempt of court and grounds for removal of a commissioner. In general, the Rules of Civil Procedure apply to commission proceedings except that proof is by clear and convincing evidence. Final orders of the commission can be appealed to the Supreme Court. Notice thereof must be filed within 10 days. The Supreme Court has the power to affirm, modify, or set aside in whole or in part the order of the commission or to remand the action to the commission for further proceedings.

[Const. §121; K.R.S. §34.330; S.C.R. 4.000 to 4.300]

LOUISIANA

Court of Last Resort

1.1 SUPREME COURT. Sessions of the court are held at New Orleans. Dates and hours of court sessions are determined by the court and noted on the calendar of hearings.

[Supreme Court Rule (hereinafter S.C.R.) IV]

1.2 Organization. The state is divided into six Supreme Court districts for election purposes. Each district elects one justice, except for one district that elects two. The court does not sit in panels or divisions.

[Constitution Article 5, Section 4; Title 13 Louisiana Statutes Annotated--Revised Statutes (hereinafter L.R.S.A. preceded by title number), §101]

1.3 Jurisdiction

a. The Supreme Court has exclusive original jurisdiction in disciplinary proceedings against members of the bar.

b. A case is directly appealable to the Supreme Court if a law or ordinance has been declared unconstitutional, or if a defendant has been convicted of a felony, or if a fine exceeding $500 or imprisonment exceeding 6 months has actually been imposed. In criminal matters, the court's jurisdiction extends only to questions of law. The court has appellate jurisdiction over all issues involved in a civil action properly before it, and in those cases its jurisdiction extends to both law and facts. In general, civil matters from the trial courts are appealed to the intermediate appellate court. Further review by the Supreme Court is at its discretion. Each justice of the court has the power to issue extraordinary writs subject to review by the whole court. The intermediate appellate court may certify any question of law before it to the Supreme Court. That court may then give its binding instruction or decide the case upon the whole record.

[Const., Art. 5, §§2, 5, 10, 11; S.C.R. X]

1.4 Justices (7)

a. The justice most senior in service is designated the Chief Justice. He remains in this role as long as he serves on the court.

b. Supreme Court justices must have been admitted to the state bar for at least 5 years prior to election. All justices and judges must have lived in their respective districts, circuits, or parishes for 2 years preceding their election.

c. Supreme Court justices are elected to 10-year terms in nonpartisan elections. Vacancies are filled by special election called by the Governor and held within 6 months. Pending the election, the vacancy is filled by Supreme Court appointment. Such appointees are ineligible for election to fill the vacancy.

[Const., Art. 5, §§3, 6, 22, 24; National Survey of Court Organization, p. 147; Judicial Administrator]

1.5 Administration

a. The Supreme Court has general supervisory jurisdiction over all courts in the state. It exercises administration and supervision over the entire court system through the Chief Justice, who is the chief administrative officer of the state judicial system; the chief judges of the Court of Appeal; the chief judges of the District Court; and the presiding judges of the Juvenile Court, Family Court, and City Court. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. One clerk and one deputy clerk are appointed by and serve at the pleasure of the court. There are no formal provisions for assigning administrative duties to the clerk. He supervises his own office personnel and has responsibilities as determined by the court.

[Const., Art. 5, §§5, 6, 7; 13 L.R.S.A. §121; Judicial Administrator]

1.6 Rule-making. The court is constitutionally empowered to establish procedural rules for the entire court system provided they do not conflict with law. The Supreme Court also has the authority to establish administrative rules that do not conflict with law.

[Const., Art. 5, §5]

Intermediate Appellate Court

2.1 COURT OF APPEAL. The court sits in Baton Rouge, Shreveport, Lake Charles, and New Orleans for a term coterminous with the calendar year.

[13 L.R.S.A. §§312, 312.1; Judicial Administrator]

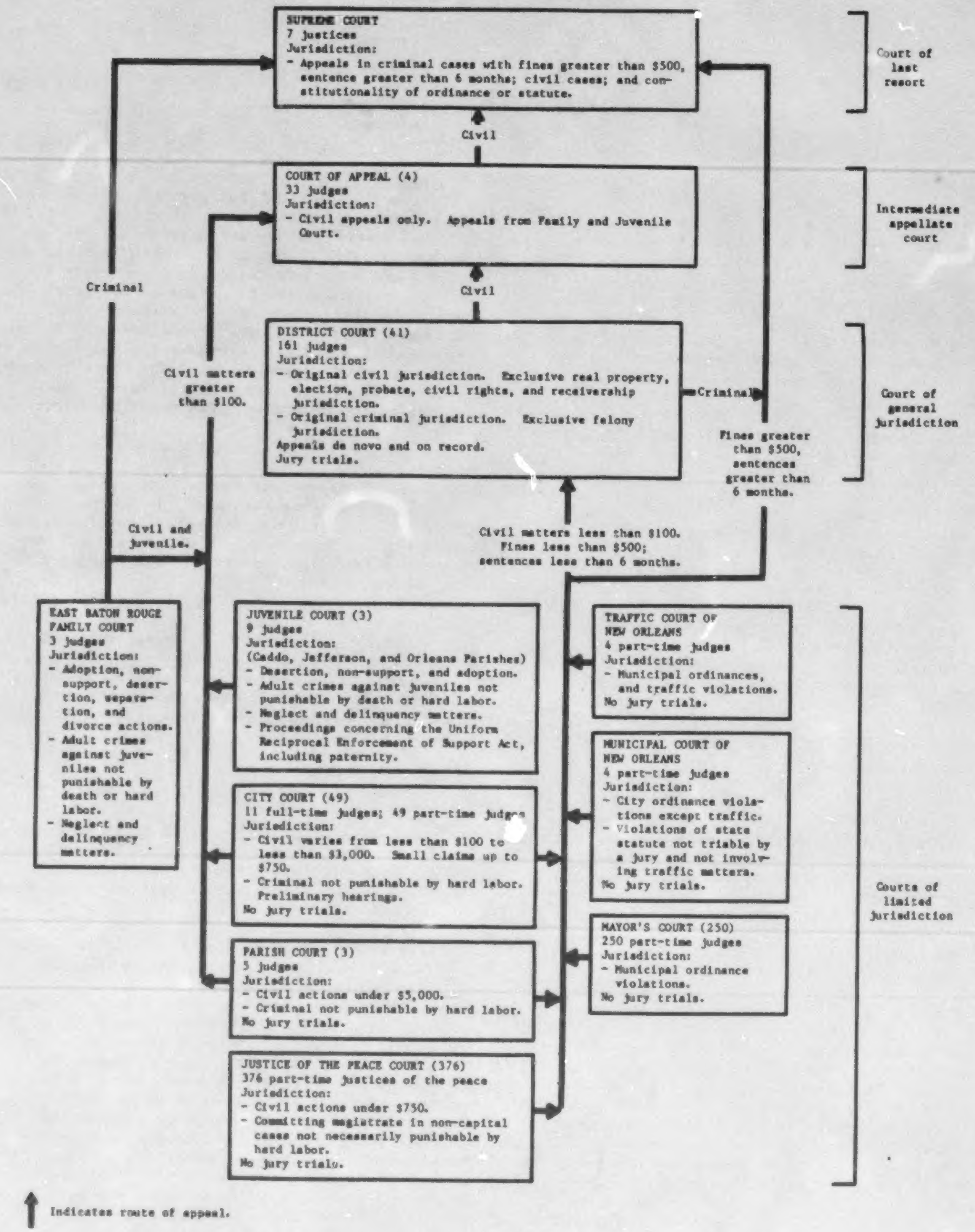
2.2 Organization. The state is divided into four circuits with a court in each circuit. Each circuit is divided into at least three districts, with at least one judge elected from each district. Panels of at least three judges are constitutionally mandated. Each court ordinarily sits in rotating panels composed of three judges as may be directed by the chief judge. In exceptional cases or when deemed necessary or expedient by the judges, the court may sit in panels of more than three judges or en banc. To modify or reverse a District Court judgment, the vote of a 3-judge panel must be unanimous. (Generally a majority vote of the panel is sufficient.) If one judge dissents, the case must be reargued before a panel of at least five judges.

[Const., Art. 5, §§8, 9; Uniform Rules: Court of Appeal (hereinafter U.R.C.A.), V]

2.3 Jurisdiction

a. Court of Appeal judges may issue extraordinary writs subject to review by the other judges of

Figure 1: Louisiana court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Appeals in criminal cases with fines greater than $500, sentence greater than 6 months; civil cases; and constitutionality of ordinance or statute.

COURT OF APPEAL (4)
33 judges
Jurisdiction:
- Civil appeals only. Appeals from Family and Juvenile Court.

DISTRICT COURT (41)
161 judges
Jurisdiction:
- Original civil jurisdiction. Exclusive real property, election, probate, civil rights, and receivership jurisdiction.
- Original criminal jurisdiction. Exclusive felony jurisdiction.
Appeals de novo and on record.
Jury trials.

EAST BATON ROUGE FAMILY COURT
3 judges
Jurisdiction:
- Adoption, non-support, desertion, separation, and divorce actions.
- Adult crimes against juveniles not punishable by death or hard labor.
- Neglect and delinquency matters.

JUVENILE COURT (3)
9 judges
Jurisdiction:
(Caddo, Jefferson, and Orleans Parishes)
- Desertion, non-support, and adoption.
- Adult crimes against juveniles not punishable by death or hard labor.
- Neglect and delinquency matters.
- Proceedings concerning the Uniform Reciprocal Enforcement of Support Act, including paternity.

CITY COURT (49)
11 full-time judges; 49 part-time judges
Jurisdiction:
- Civil varies from less than $100 to less than $3,000. Small claims up to $750.
- Criminal not punishable by hard labor. Preliminary hearings.
No jury trials.

PARISH COURT (3)
5 judges
Jurisdiction:
- Civil actions under $5,000.
- Criminal not punishable by hard labor.
No jury trials.

JUSTICE OF THE PEACE COURT (376)
376 part-time justices of the peace
Jurisdiction:
- Civil actions under $750.
- Committing magistrate in non-capital cases not necessarily punishable by hard labor.
No jury trials.

TRAFFIC COURT OF NEW ORLEANS
4 part-time judges
Jurisdiction:
- Municipal ordinances, and traffic violations.
No jury trials.

MUNICIPAL COURT OF NEW ORLEANS
4 part-time judges
Jurisdiction:
- City ordinance violations except traffic.
- Violations of state statute not triable by a jury and not involving traffic matters.
No jury trials.

MAYOR'S COURT (250)
250 part-time judges
Jurisdiction:
- Municipal ordinance violations.
No jury trials.

Court of last resort
Intermediate appellate court
Court of general jurisdiction
Courts of limited jurisdiction
Civil
Civil
Criminal
Civil matters greater than $100.
Criminal
Fines greater than $500, sentences greater than 6 months.
Civil and juvenile.
Civil matters less than $100. Fines less than $500; sentences less than 6 months.

Indicates route of appeal.

their court.

b. Each Court of Appeal has appellate jurisdiction over all civil matters decided within its circuit and over matters appealed from Family and Juvenile Courts, except criminal prosecutions of persons other than juveniles. Each court has supervisory jurisdiction over cases in which an appeal may be taken to it. In general, the court's jurisdiction extends to law and facts. Civil appeals from the City and Parish Courts are heard by the Court of Appeal. The Court of Appeal does not have appellate jurisdiction over adult criminal matters.

[Const., Art. 5, §§2, 10; Code of Civil Procedure (hereinafter C.C.P.), Article 5001]

2.4 Judges (33)

a. The judge on each court most senior in service is designated the chief judge. He remains in this role as long as he serves on the court.

b. Court of Appeal judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeal judges are elected to 10-year terms in nonpartisan elections by the voters of their respective districts within the circuits.

[Const., Art. 5, §§8, 9, 12, 22; Judicial Administrator]

2.5 Administration

a. The chief judge of each court is responsible for court administration subject to rules adopted by the court. The chief judges designate judges to the rotating panels.

b. There is no provision for an administrator for the Court of Appeal. Reference Section 5.2.b (state-level administrator).

c. Each Court of Appeal selects its clerk. There are no formal provisions for assigning administrative duties to the clerks. The clerk of each Court of Appeal supervises his own office personnel and has responsibilities as determined by the court.

[Const., Art. 5, §§12, 13; U.R.C.A., V; Judicial Administrator]

2.6 Rule-making. The Court of Appeal is authorized to adopt rules governing practice and procedure, provided they are consistent with the law.

[Code of Criminal Procedure (hereinafter C.Cr.P.), Article 18; C.C.P., Art. 193]

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court sits in continuous session.

[13 L.R.S.A. §503]

3.2 Organization. The state is divided into 64 parishes, which (excluding Orleans Parish) have been formed into 39 judicial districts with one District Court sitting in each district. Orleans Parish has a Criminal District Court and a Civil District Court. The number of judges per court varies from 1 to 13. There are presently 12 single-judge districts. In districts composed of more than one parish, the judge or judges sit alternately in each parish. No session in any parish can be fixed for less than 1 or more than 3 weeks. District Courts are formally divided into geographic divisions for the purpose of nomination and election of judges only. The Criminal District Court of Orleans Parish is divided into two Appellate Divisions, with the judges of the court equally divided between the two divisions. The court also has a Magistrate's Section consisting of the magistrate judge and four commissioners. This section provides committing magistrate services (reference Sections 6.2.3 and 6.2.4 Quasi-Judicial Officers). The Civil District Court of Orleans Parish is mandated by statute to create by court rule a Domestic Relations Section of not less than two judges.

[13 L.R.S.A. §§502, 1138; Criminal District Court Rules III, IV; 1979 Sessions Laws, Act 460; Judicial Administrator]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all criminal and civil matters. It has exclusive original jurisdiction in felony cases and in cases involving the following: title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state or its political subdivisions as defendants; and the appointment of receivers or liquidators for corporations or partnerships. The District Court's jurisdictional division in Orleans Parish is unique in that there are two separate courts--the Criminal District Court and the Civil District Court.

b. Some appeals from judgments of courts of limited jurisdiction, except Juvenile and Family Courts, are made to the District Court. The Criminal District Court of Orleans Parish hears appeals of misdemeanor convictions from the Municipal Court of New Orleans and the Traffic Court of New Orleans.

[Const., Art. 5, §16; 13 L.R.S.A. §§13, 1137, 1336, 1402, 1423, 1604, 1688, 1896; Criminal District Court Rules III, IV]

3.4 Judges (161)

a. There is no provision for a chief judge over all the districts of the District Court. Chief judges for the individual districts are elected annually by peer vote.

b. District Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. District Court judges are elected to 6-year terms by the voters of their respective districts.

[Const., Art. 5, §§15, 17, 24; Judicial Administrator]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, the individual districts have chief judges. Although there are no statutory duties assigned to the chief judges, the individual courts may prescribe duties by court rule, as has been done in the 19th Judicial District. For example, that court's chief judge is assigned the following responsibilities: regulation and enforcement of hours for court operation; appointment of court committees; preparation of recommended policies and plans and submission of such recommendations to the entire court or to other authorities as appropriate; representation of the court in ceremonial functions and in its relations with other governmental branches, other courts, and the news media; coordination of vacation schedules; approval of judicial absences for conference attendance; supervision of the court administrator; supervision of court finances including planning and budget preparation; and others.

b. There is no provision for an administrator over all the districts of the District Court. Although there are no statutory provisions for court administrators for the individual districts, courts may, however, establish such a position by court rule. The 19th Judicial District Court has established the position of court administrator. He serves as chairman of the jury commissioners and supervises the court reporter pool among other duties.

c. District Court clerks are constitutional officers elected to 4-year terms by the voters of their respective parishes. There are no formal provisions for assigning administrative duties to the clerks. They supervise their own office personnel and have responsibilities as determined by the court.

[Const., Art. 5, §28; West's Louisiana Rules of Court 1979 (hereinafter 1979 Court Rules), p. 446; Rules of the 19th Judicial District Court, General Rule II, Section 2; Judicial Administrator]

3.6 Rule-making. The District Court is authorized to adopt rules of practice and procedure provided they are consistent with the law. The court may adopt rules for conducting business.

[13 L.R.S.A. §472; C.Cr.P., Art. 18; C.C.P., Art. 193]

Courts of Limited or Special Jurisdiction

4.1.1 CITY COURT. The City Court sits in continuous session.

[13 L.R.S.A. §1901]

4.2.1 Organization. Prior to 1974 a City Court could be established in any ward (division) containing a city of more than 5,000 inhabitants. There are 49 City Courts, including the First City Court and Second City Court of New Orleans. Small Claims Divisions may be established in City Courts.

[13 L.R.S.A. §§1872, 5202; C.C.P., Art. 4844; Annual Report 1978, pp. 32-33]

4.3.1 Jurisdiction

a. The criminal jurisdiction of the City Court is limited to those offenses that are not punishable by imprisonment at hard labor, including ordinance violations. City Court judges may require bond to keep the peace; issue arrest warrants; examine, commit, and admit to bail and discharge; and hold preliminary examinations in all noncapital cases. The City Court has small claims jurisdiction up to $750. The City Court's civil jurisdiction is concurrent with the District Court involving sums up to $3,000.

b. The City Court has no appellate jurisdiction.

[13 L.R.S.A. §1894; C.C.P., Arts. 4843, 4844; 1979 Session Laws, Act 46]

4.4.1 Judges (11 full-time and 49 part-time)

a. If a City Court has more than one judge, the senior judge serves as the presiding judge.

b. City Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. City Court judges are elected to 6-year terms by the voters of their respective wards.

[Const., Art. 5, §§15, 22; 13 L.R.S.A. §1873; Judicial Administrator]

4.5.1 Administration

a. The presiding judges have no specifically articulated administrative duties.

b. There are no provisions for administrators for the City Court. Reference Section 5.2.b (state-level administrator).

c. Most City Court clerks are appointed by and serve at the pleasure of the City Court judge. The clerks of the First and Second City Courts of New Orleans are elected by the voters within their territorial jurisdiction. The clerk has responsibility for keeping the minutes and docket of the court; keeping the seal and signing off on all legal process; and certifying documents. In the absence of the judge, the clerk may sign any court order that needs the judge's signature. The clerk supervises his own office personnel.

[13 L.R.S.A. §§1884, 1885, 2153; Judicial Administrator]

4.6.1 Rule-making. A City Court may adopt and amend rules for conducting judicial business. All such rules, whether procedural or administrative, must be consistent with law.

[13 L.R.S.A. §§1902, 2488.2, 2488.31, 2488.72; C.C.P., Art. 193; C.Cr.P., Art. 18]

4.1.2 PARISH COURT. The term of the Parish Court is coterminous with the calendar year.

[Judicial Administrator]

4.2.2 Organization. There are three Parish Courts in the state: two in Jefferson Parish and one in Ascension Parish. The two courts in Jefferson Parish have geographic jurisdiction on separate sides of the Mississippi River; the court in Ascension Parish has geographic jurisdiction over the entire parish. There are no specialized divisions of the court.

[13 L.R.S.A. §§2561.1, 2562.1, 2563.1; Judicial Administrator]

4.3.2 Jurisdiction

a. The Parish Court has criminal jurisdiction concurrent with the District Court over ordinance violations and offenses, but only those not punishable by imprisonment at hard labor. It has concurrent jurisdiction with the District Court over controversies not exceeding $5,000, including suits for possession of leased premises.

b. The Parish Court has no appellate jurisdiction over the Justice of the Peace Court.

[13 L.R.S.A. §§2561.3, 2562.3, 2563.3; C.C.P., Art. 4842; 1979 Sessions Laws, Act 46; Judicial Administrator]

4.4.2 Judges (5)

a. The Parish Court does not have presiding judges.

b. Parish Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Parish Court judges are elected to 6-year terms by the voters of their respective wards.

[Const., Art. 5, §§15, 22; 13 L.R.S.A. §§2561.5, 2562.5, 2563.5]

4.5.2 Administration

a. There are no provisions for presiding judges for the Parish Court.

b. There are no provisions for administrators for the Parish Court. Reference Section 5.2.b (state-level administrator).

c. District Court clerks serve as clerks of the Parish Court. Reference Section 3.5.1.c.

[13 L.R.S.A. §§2561.12, 2562.12, 2563.11]

4.6.2 Rule-making. The Parish Court has the same rule-making authority as the District Court. Reference Section 3.6.

4.1.3 MUNICIPAL COURT OF NEW ORLEANS. The term of the Municipal Court of New Orleans is coterminous with the calendar year.

[Judicial Administrator]

4.2.3 Organization. The Municipal Court of New Orleans has citywide jurisdiction. There are no specialized divisions of the court.

[13 L.R.S.A. §2493]

4.3.3 Jurisdiction

a. The Municipal Court of New Orleans has jurisdiction over all ordinance violations, except those involving traffic matters. It also has concurrent jurisdiction with the Criminal District Court over violations of state statutes that are not triable by a jury and do not involve traffic matters. The court's maximum penalty is a $300 fine or 5 months in jail or both.

b. The Municipal Court of New Orleans has no appellate jurisdiction.

[13 L.R.S.A. §§2493, 2500; 1979 Session Laws, Act 268]

4.4.3 Judges (4 part-time)

a. The Municipal Court of New Orleans does not have a presiding judge.

b. Municipal Court of New Orleans judges must have practiced law in the state for at least 5 years. They must also be qualified voters of Orleans Parish.

c. Municipal Court of New Orleans judges are elected to 8-year terms by the voters of the parish of Orleans.

[Const., Art. 5, §22; 13 L.R.S.A. §2492, 2501.1]

4.5.3 Administration

a. There is no provision for a presiding judge for the Municipal Court of New Orleans.

b. There is no provision for an administrator for the Municipal Court of New Orleans. Reference Section 5.2.b (state-level administrator).

c. The Municipal Court of New Orleans appoints its own clerk, who serves at its pleasure. He supervises his own office personnel and has responsibilities as determined by the court.

[13 L.R.S.A. §2495; Judicial Administrator]

4.6.3 Rule-making. The Municipal Court of New Orleans is empowered to adopt rules and regulations necessary for the proper functioning of the court. All such rules, whether procedural or administrative, must be consistent with law.

[13 L.R.S.A. §2494; C.C.P., Art. 193; C.Cr.P., Art. 18]

4.1.4 TRAFFIC COURT OF NEW ORLEANS. The term of the Traffic Court of New Orleans is coterminous with the calendar year.

[Judicial Administrator]

4.2.4 Organization. The Traffic Court of New Orleans has geographic jurisdiction over the parish of Orleans. There are no specialized divisions of the court.

[13 L.R.S.A. §501]

4.3.4 Jurisdiction

a. The Traffic Court of New Orleans has jurisdiction over all violations of ordinances or statutes relating to traffic, unless the particular offense requires a trial by jury.

b. The Traffic Court of New Orleans has no appellate jurisdiction.

[13 L.R.S.A. §2501.1]

4.4.4 Judges (4 part-time)

a. The Traffic Court of New Orleans does not have a presiding judge.

b. Traffic Court judges must have practiced law in the state for at least 5 years. They must also be qualified voters of Orleans Parish.

c. Traffic Court of New Orleans judges are elected to 8-year terms by the voters of the parish.

[Const., Art. 5, §22; 13 L.R.S.A. §§2492, 2501.1]

4.5.4 Administration

a. There is no provision for a presiding judge for the Traffic Court of New Orleans.

b. There is no provision for an administrator for the Traffic Court of New Orleans. Reference Section 5.2.b (state-level administrator).

c. The court appoints a clerk who serves at its pleasure. The clerk supervises his own office personnel and has duties as determined by the court.

[13 L.R.S.A. §2501.1; Judicial Administrator]

4.6.4 Rule-making. The Traffic Court of New Orleans has the same rule-making authority as the Municipal Court of New Orleans. Reference Section 4.6.3.

[13 L.R.S.A. §2501.1]

4.1.5 JUSTICE OF THE PEACE COURT. The term of the Justice of the Peace Court is coterminous with the calendar year.

[Judicial Administrator]

4.2.5 Organization. Parishes are divided into wards with one justice serving most wards and a few wards served by two justices. In some parishes, wards may be consolidated into a district with one justice serving the district. In a special case, West Feliciana Parish has only one justice of the peace for the entire parish. In a ward where a City Court is established, the office of justice of the peace is abolished. There are no specialized divisions of the court.

[13 L.R.S.A. §1872, 2588; National Survey of Court Organization, p. 149]

4.3.5 Jurisdiction

a. Justices of the peace have criminal jurisdiction as committing magistrates only. They have the power to bail or discharge in cases not capital nor necessarily punishable at hard labor. They may require bonds to keep the peace. They have concurrent jurisdiction with the District Court in all civil matters involving $750 or less, including suits for possession or ownership of movable property or suits of landlords for the possession of leased premises.

b. The Justice of the Peace Court has no appellate jurisdiction.

[13 L.R.S.A. §2584; C.C.P., Art. 4844]

4.4.5 Judges (376 part-time)

a. The Justice of the Peace Court does not have presiding judges.

b. A justice of the peace must be of good moral character, a freeholder, and a qualified voter, who is able to read and write English.

c. Justices of the peace are elected to 4-year terms.

[13 L.R.S.A. §2581.1]

4.5.5 Administration

a. There are no provisions for presiding judges for the Justice of the Peace Court.

b. There are no provisions for administrators for the Justice of the Peace Court.

c. There are no provisions for clerks for the Justice of the Peace Court. Each justice of the peace has a constable who is elected to a 4-year term.

[13 L.R.S.A. §2581.2]

4.6.5 Rule-making. There are no statutory provisions concerning the rule-making authority of the justices of the peace. In practice, the justices of the peace make their own rules subject to the supervisory authority of the Supreme Court.

[Judicial Administrator]

4.1.6 MAYOR'S COURT. The term of the Mayor's Court is coterminous with the calendar year.

[Judicial Administrator]

4.2.6 Organization. The Mayor's Court has geographic jurisdiction within the municipality. There are no specialized divisions of the court.

4.3.6 Jurisdiction

a. The mayor of a city having a Mayor's Court has jurisdiction over all municipal ordinance violations. The maximum penalty for an ordinance violation is a $200 fine or 30 days in jail or both, unless an ordinance prohibiting drunken driving provides for a fine of $500 and/or 60 days in jail. All mayors have the power of committing magistrates.

b. The Mayor's Court has no appellate jurisdiction.

[33 L.R.S.A. §§401, 403, 441]

4.4.6 Judges (250 mayors or legislatively authorized magistrates)

a. The Mayor's Court does not have presiding judges.

b. Mayors must be qualified voters of their cities and must have been residents of their parishes for at least 2 years.

c. Mayors are elected to 4-year terms by the voters of the municipality at large.

[33 L.R.S.A. §§381, 383, 384]

4.5.6 Administration

a. There are no provisions for presiding judges for the Mayor's Court.

b. There are no provisions for administrators for the Mayor's Court.

c. There are no provisions for clerks for the Mayor's Court.

4.6.6 Rule-making. There are no statutory provisions regarding the rulemaking authority of the Mayor's Court. In practice, the mayors make their own rules subject to the supervisory authority of the Supreme Court.

[Judicial Administrator]

4.1.7 FAMILY COURT. The Family Court sits in continuous session.

[13 L.R.S.A. §1406]

4.2.7 Organization. The only Family Court is located in the parish of East Baton Rouge. The court's geographic jurisdiction is the parish. There are no specialized divisions of the court.

[13 L.R.S.A. §1401]

4.3.7 Jurisdiction

a. The Family Court has original jurisdiction over all cases involving domestic relations problems such as divorce, separation, annulment, paternity, alimony, child support, custody by habeas corpus or otherwise, visitation rights, and all matters incidental thereto. It also has the same jurisdiction as the Juvenile Court (reference Section 4.3.8.a).

b. The Family Court has no appellate jurisdiction.

[13 L.R.S.A. §§1401, 1422]

4.4.7 Judges (3)

a. If a Family Court has more than one judge, the senior judge serves as presiding judge.

b. Family Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Family Court judges are elected to 6-year terms by the voters of the parish of East Baton Rouge.

[Const., Art. 5, §22; 13 L.R.S.A. §1403; Judicial Administrator]

4.5.7 Administration

a. The presiding judge has no specifically articulated administrative duties.

b. There is no provision for an administrator for the Family Court. Reference Section 5.2.b (state-level administrator).

c. The District Court clerk serves as the Family Court clerk. Reference Section 3.5.c.

[13 L.R.S.A. §1597]

4.6.7 Rule-making. The Family Court has the same rule-making authority as the District Court. Reference Section 3.6.

4.1.8 JUVENILE COURT. The Juvenile Court sits in continuous session.

[13 L.R.S.A. §§1565, 1568, 1596]

4.2.8 Organization. The Juvenile Court is located in Caddo, Jefferson, and Orleans Parishes. There are no specialized divisions of the court.

[13 L.R.S.A. §§1564, 1595.1, 1596]

4.3.8 Jurisdiction

a. The Juvenile Court has exclusive original jurisdiction in proceedings concerning any neglected or abandoned child who resides in or who is found within the parish. It has similar jurisdiction over children who violate any law or ordinance. The court is empowered, however, to transfer some serious cases involving juveniles to the District Court. Specifically, this involves a child 15 years of age or older who has been charged with first or second degree murder, manslaughter, aggravated rape, armed robbery, aggravated burglary, or aggravated kidnapping. After a hearing, the transfer of the case is at the discretion of the Juvenile Court judge. Such a decision represents an interlocutory judgment, which either the child or state or both have the right to have reviewed summarily by the Supreme Court. The Juvenile Court also has jurisdiction over proceedings concerning the Uniform Reciprocal Enforcement of Support Act, including paternity.

b. The Juvenile Court has no appellate jurisdiction.

[13 L.R.S.A. §§1570, 1571.1, 1571.4, 1664, 1681]

4.4.8 Judges (9)

a. The Juvenile Court does not have statutory provisions for presiding judges. The Jefferson Parish Juvenile Court has established the position by court rule.

b. Juvenile Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Juvenile Court judges are elected to 6-year terms by the voters of their respective parishes.

[Const., Art. 5, §22; 13 L.R.S.A. §§1564, 1595.1, 1596]

4.5.8 Administration

a. Whereas there are no statutory provisions for presiding judges for the Juvenile Court, the Jefferson Parish Juvenile Court has established the position by court rule. The presiding judge of this court is responsible for direct supervision of social services provided by the court.

b. There is no provision for an administrator for the Juvenile Court. Reference Section 5.2.b (state-level administrator).

c. District Court clerks serve as clerks of the Juvenile Court (reference Section 3.5.c), with the exception of the Orleans Parish Juvenile Court, which has its own clerk.

[13 L.R.S.A. §1597; Annual Report 1977, pp. 23-26; Judicial Administrator]

4.6.8 Rule-making. The Juvenile Court may make rules of practice and procedure consistent with the law. The court may adopt rules for conducting business.

[13 L.R.S.A. §472; C.Cr.P., Art. 18; C.C.P., Art. 193]

State-Level Administration

5.1 General administrative authority. The Supreme Court has general supervisory jurisdiction over all courts in the state. It may establish procedural and administrative rules not in conflict with the law. The Chief Justice serves as the chief administrative officer of the judicial system of the state, subject to rules adopted by the Supreme Court. Reference Section 1.5.a. The Supreme Court has authority to assign a sitting or retired judge to any court.

[Const., Art. 5, §§5, 6; Judicial Administrator]

5.2 Office of the Judicial Administrator

a. The Office of the Judicial Administrator is authorized by Supreme Court Rule XXII, Section 7.

b. Judicial Administrator

(1) The position of Judicial Administrator is constitutionally authorized.

(2) The Judicial Administrator is appointed by the Supreme Court. There are no formal qualifications for the position. In practice, he is expected to be admitted to the bar.

(3) The Judicial Administrator examines the administrative methods of the court system and makes recommendations for their improvement to the Supreme Court and the Judicial Council (reference Table 29: Judicial councils and conferences). He collects and analyses the statistical data of the courts. He serves as ex officio secretary of the Continuous Rules Revision Committee (a standing committee made up of two Supreme Court justices, one Court of Appeal judge, one trial judge, and two lawyers, appointed by the Chief Justice to study recommended rule changes) and provides staff assistance to the Judicial Budgetary Control Board (a board that may authorize and direct transfer of funds between line items in the judiciary budget). The Judicial Administrator monitors judicial travel expenses and the expenses associated with the temporary assignment of active and retired judges. The Supreme Court has designated the Judicial Administrator as the chief executive officer of the Judiciary Commission (reference Section 7.1).

c. Office organization. The Office of the Judicial Administrator consists of 12 people: 6 professionals (including the Judicial Administrator) and 6 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, and field representation; payroll, accounting, auditing, and budgeting; legislative, executive, public, and media information, legislative liaison, and executive liaison; and planning and research activities, which include statistical compilation, judicial planning, research, evaluation, and statistical analysis.

[Const., Art. 5, §7; S.C.R. XIV, XXII, XXIII; Supreme Court Rule, General Administrative Rule Sections 1, 4; Judicial Administrator]

Quasi-Judicial Officers

6.1.1 NINETEENTH JUDICIAL DISTRICT COURT
6.2.1 Commissioner

a. Commissioners are appointed by the court and serve at its pleasure. A commissioner must have the same qualifications as a judge, with the exception of residency. Reference Section 3.4.b. Commissioners are prohibited from practicing law.

b. Commissioners hear and recommend disposition of criminal and civil proceedings arising out of the incarceration of state prisoners.

[13 L.R.S.A. §711 to §713; 1979 Session Laws, Act 62]

6.1.2 CIVIL DISTRICT COURT OF ORLEANS PARISH
6.2.2 Commissioner

a. Commissioners are appointed by the judges of the Civil District Court to 6-year terms. To qualify for the position, an individual must have practiced law in Orleans Parish for at least 5 years.

b. If it appears that a case will require more than 3 days to try, a judge may refer the matter to a commissioner. The matter is then set for trial before the commissioner and he submits a recommendation to the judge. Commissioners may administer oaths and can punish for contempt of court.

[13 L.R.S.A. §1171; 1979 Session Laws, Act 236]

6.1.3 CRIMINAL DISTRICT COURT OF ORLEANS PARISH
6.2.3 Magistrate

a. The magistrate must meet the same qualifications as a District Court judge (reference section 3.4.b) and is elected to a 6-year term.

b. The magistrate acts as committing magistrate in felony and misdemeanor charges and holds preliminary examination with the authority to bail or discharge or to hold for trial. If authorized by the Criminal District Court, the magistrate may also hear preliminary motions, accept pleas in misdemeanor cases, hear and render judgments in other matters (including misdemeanor cases, preliminary to the trial on the merits), and conduct trials of misdemeanor cases. If authorized, he may issue and sign search and arrest warrants.

[13 L.R.S.A. §1346]

6.1.4 CRIMINAL DISTRICT COURT OF ORLEANS PARISH
6.2.4 Commissioner

a. Commissioners are appointed by the judges of the Criminal District Court to 6-year terms. They must have practiced law in the state for at least 5 years prior to appointment. After appointment, they may engage in the practice of civil, but not criminal, law.

b. The primary role of the commissioners is to assist the magistrate. They have the same powers, duties, jurisdiction, and functions as the magistrate. Reference Section 6.2.3.b.

[13 L.R.S.A. §1347; 1979 Session Laws, Act 236]

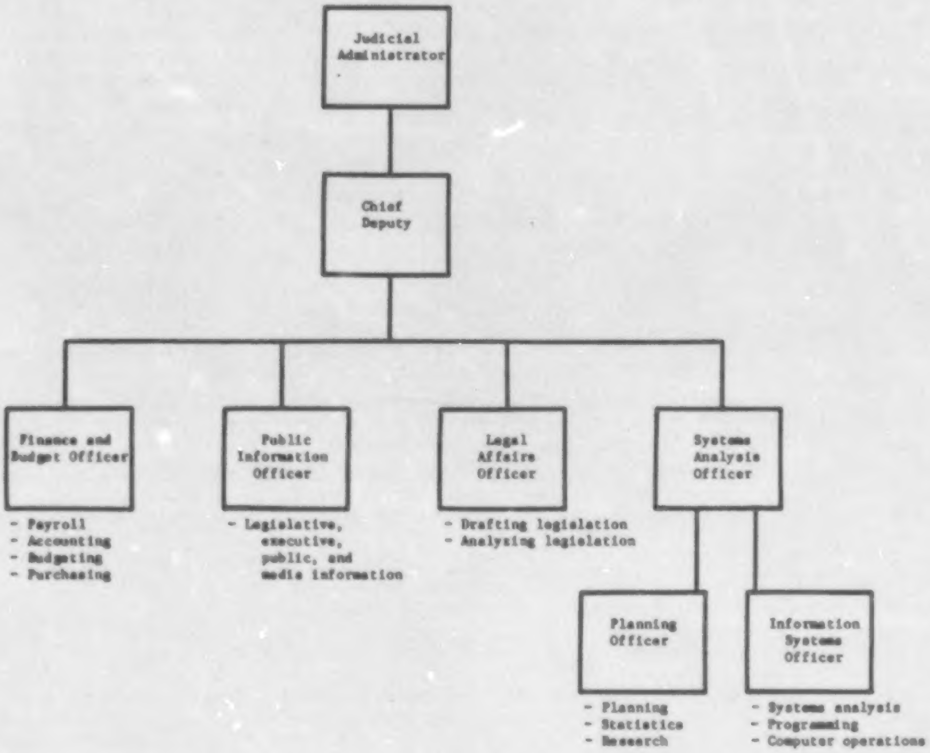
6.1.5 MAYOR'S COURT
6.2.5 Magistrate

a. The Board(s) of Aldermen of certain towns and villages are authorized by statutes to appoint court magistrates. These magistrates must be attorneys.

b. When appointed, magistrates exercise the powers and authority of the mayor over the particular Mayor's Court.

[13 L.R.S.A. §§441 to 446]

Figure 2: Louisiana state-level administrative office of the courts, 1980


Judicial Administrator
Chief Deputy
Finance and Budget Officer
- Payroll
- Accounting
- Budgeting
- Purchasing
Public Information Officer
- Legislative, executive, public, and media information
Legal Affairs Officer
- Drafting legislation
- Analyzing legislation
Systems Analysis Officer
Planning Officer
- Planning
- Statistics
- Research
Information Systems Officer
- Systems analysis
- Programming
- Computer operations

Judicial Discipline

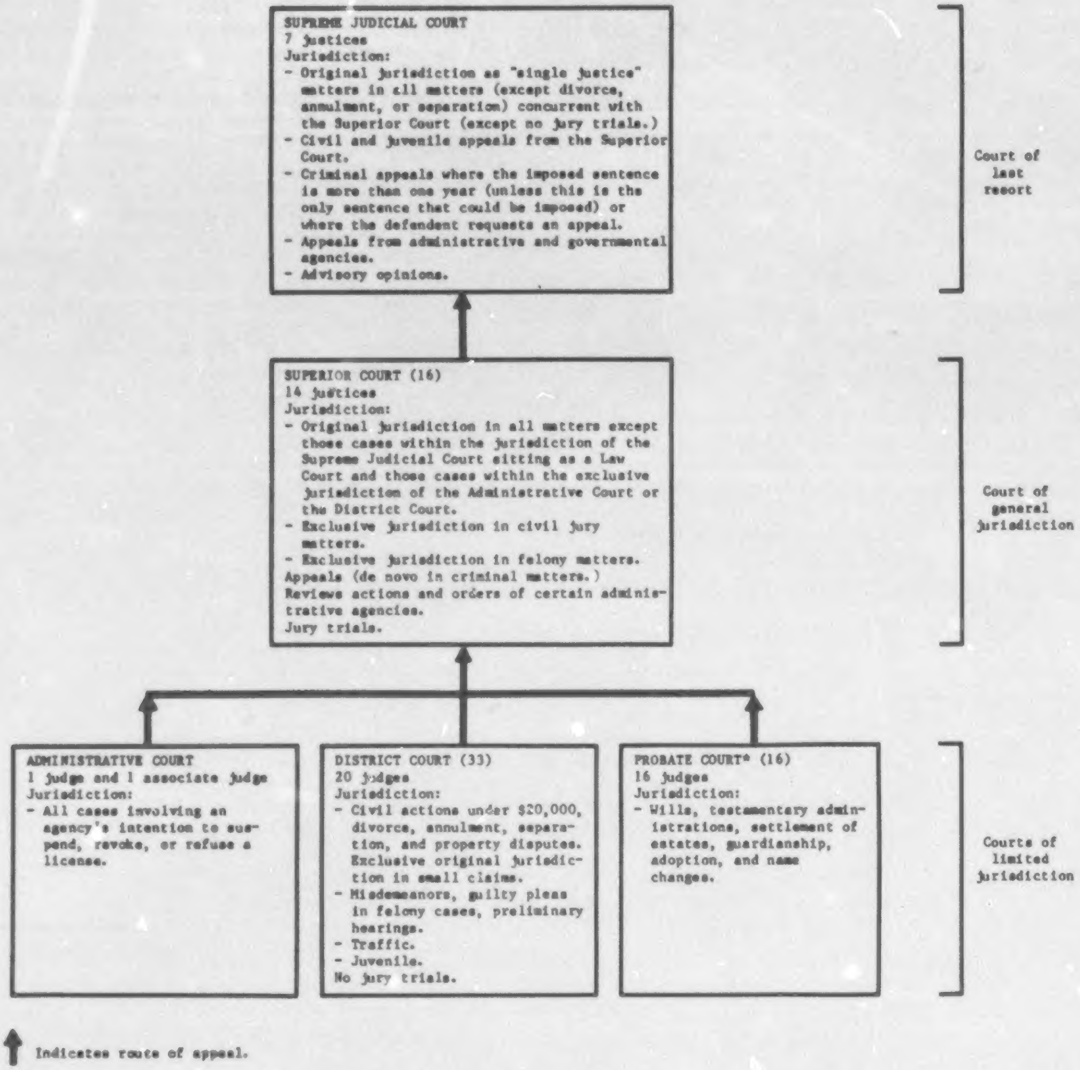
7.1 Judiciary Commission. The commission has nine members. One Court of Appeal judge and two District Court judges are selected by the Supreme Court. Three attorneys are chosen by the Conference of Court of Appeal Judges (reference Table 29: Judicial councils and conferences). Two of these attorneys must have been members of the bar for more than 10 years, and the third must have between 3 and 10 years of bar experience. The District Judges' Association (an unincorporated association of all district judges) selects three nonlawyer citizens.

[Const., Art. 5, §25]

7.2 Authority and procedure for sanction. Commission procedures are specified by Supreme Court rules in accordance with the constitution. The commission investigates complaints involving willful misconduct, willful and persistent failure to perform duty, persistent and public conduct prejudicial to the administration of justice, conduct in office that constitutes a felony, and disabilities that seriously interfere with a judge's judicial duties. The judge is notified of the investigation and the name of the complainant. If warranted by the preliminary investigation, a formal hearing is held. Witnesses are questioned under oath and can be subpoenaed. The judge has the right to introduce evidence, to be represented by counsel, and to examine and cross-examine witnesses. If good cause exists, the commission can recommend certain disciplinary actions to the Supreme Court. The matter is then scheduled for argument and submission in open court. Normally, 1 hour is permitted for each side's oral argument. After the hearing, and if deemed appropriate, the court may censure, suspend with or without pay, remove from office, or retire the judge. Commission proceedings are confidential, while those before the Supreme Court are not.

[Const., Art. 5, §25; S.C.R. XXIII]

Figure 1: Maine court system, 1980


SUPREME JUDICIAL COURT
7 justices
Jurisdiction:
- Original jurisdiction as "single justice" matters in all matters (except divorce, annulment, or separation) concurrent with the Superior Court (except no jury trials.)
- Civil and juvenile appeals from the Superior Court.
- Criminal appeals where the imposed sentence is more than one year (unless this is the only sentence that could be imposed) or where the defendant requests an appeal.
- Appeals from administrative and governmental agencies.
- Advisory opinions.
Court of last resort
SUPERIOR COURT (16)
14 justices
Jurisdiction:
- Original jurisdiction in all matters except those cases within the jurisdiction of the Supreme Judicial Court sitting as a Law Court and those cases within the exclusive jurisdiction of the Administrative Court or the District Court.
- Exclusive jurisdiction in civil jury matters.
- Exclusive jurisdiction in felony matters.
Appeals (de novo in criminal matters.)
Reviews actions and orders of certain administrative agencies.
Jury trials.
Court of general jurisdiction
ADMINISTRATIVE COURT
1 judge and 1 associate judge
Jurisdiction:
- All cases involving an agency's intention to suspend, revoke, or refuse a license.
DISTRICT COURT (33)
20 judges
Jurisdiction:
- Civil actions under $20,000, divorce, annulment, separation, and property disputes. Exclusive original jurisdiction in small claims.
- Misdemeanors, guilty pleas in felony cases, preliminary hearings.
- Traffic.
- Juvenile.
No jury trials.
PROBATE COURT* (16)
16 judges
Jurisdiction:
- Wills, testamentary administrations, settlement of estates, guardianship, adoption, and name changes.
Courts of limited jurisdiction
Indicates route of appeal.

*After December 31, 1980, appeals from the Probate Court will go directly to the Supreme Judicial Court.

MAINE

Court of Last Resort

1.1 SUPREME JUDICIAL COURT. As a matter of practice, the court usually sits in Portland. The number of sessions "shall be in accordance with rules promulgated by the Supreme Judicial Court."

[4 Maine Revised Statutes Annotated (hereinafter M.R.S.A.) Section 53]

1.2 Organization. When sitting as a trial court or conducting hearings, the court is called the Supreme Judicial Court. When sitting to determine questions of law arising in civil actions or in criminal trials and proceedings in trial courts, the Supreme Judicial Court is referred to as the "Law Court". Sitting as an "Appellate Division," not more than three justices of the Supreme Judicial Court hear appeals of criminal sentences of 1 year or more, except in any case in which a different sentence could not have been imposed.

[4 M.R.S.A. §51; 15 M.R.S.A. §2141; State Court Administrator]

1.3 Jurisdiction

a. The Supreme Judicial Court gives advisory opinions on important matters to the Governor, Senate, or House of Representatives. If a question of misconduct by an attorney is properly raised, any justice of the Supreme Judicial Court may require that attorney to appear and defend against possible removal of his or her license to practice law. The court may punish contempt against its authority by original proceedings.

The justices of the court have original jurisdiction jointly with and equal to that of the Superior Court. The Chief Justice of the Supreme Court may assign individual justices of the Supreme Judicial Court to do "single justice" work, hearing matters brought in Superior Court. They have all the power of justices of the Superior Court, except that they do not hold jury trials and they do not hear actions for divorce, annulment, or separation. This "single justice" work is done to help the Superior Court with its caseload.

Sitting as the Law Court, the court may decide the following matters:

(1) Questions of law arising in a case for which trial in a trial court has not been completed, where the trial court on its own initiative has reported the case to the Law Court for determination of what legal principles apply to the facts of the case.

(2) Questions of law in a case for which trial in a trial court has not been completed, where the parties submit an agreed statement of facts to the Law Court for determination of what legal principles apply to those facts.

(3) Cases presenting a question of law.

(4) All questions arising in cases in which equitable relief is sought.

(5) Motions to dissolve certain injunctions.

(6) Unresolved questions of Maine law arising in federal courts, where federal courts seek instruction by the Supreme Judicial Court.

b. Sitting as the "Appellate Division" of the Supreme Judicial Court, three justices hear appeals from sentences of 1 year or more imposed in criminal cases except in any case in which a different sentence could not have been imposed.

Sitting as the Law Court, the Supreme Judicial Court has appellate jurisdiction over the following matters:

(1) Appeals by defendants in criminal cases.

(2) Appeals from any of the judges of probate.

(3) Appeals from the Superior Court by any aggrieved party in any civil case.

(4) Appeals from divisions of a single justice of the Supreme Judicial Court.

(5) Appeals on questions of law by the state in criminal and juvenile cases which are limited to cross appeals and to appeals of certain pretrial orders.

(6) Appeals from the Superior Court on questions of law in juvenile cases.

(7) Appeals on questions of law from final decisions of the Public Utilities Commission.

(8) Review of the justness or reasonableness of a Public Utilities Commission rate, toll, or charge, or of the constitutionality of a ruling or order by that commission, but only to the extent of the lawfulness of such ruling or order.

(9) Appeals from Superior Court review of certain orders of the Board of Environmental Protection.

(10) Appeals on questions of law from decisions of the Workmen's Compensation Commission.

(11) Appeals on questions of law from Superior Court review of actions by governmental agencies.

[Const., Art. VI, §3; 4 M.R.S.A. §§7, 57, 105, 851; 14 M.R.S.A. §1851; 15 M.R.S.A. §§2115, 2115-A, 2141, 3407; 18-A M.R.S.A. §1-308; 35 M.R.S.A. §303, 305; 38 M.R.S.A. §346; 39 M.R.S.A. §103; Maine Rules of Civil Procedure, Rule 80B; State Court Administrator]

1.4 Justices (7)

a. The Chief Justice is selected in the same manner as are the other justices. He serves as Chief Justice for his full term.

b. Supreme Judicial Court justices must be United States citizens, and "learned in the law and of sobriety of manners."

c. Supreme Judicial Court justices are nominated and appointed by the Governor, subject to review by the Joint Standing Committee on the Judiciary (a joint committee of the legislature which reviews judicial nominations and reports conclusions before a vote is taken) and confirmation by the Senate. Unless removed or reappointed, justices hold office for 7 years.

[Const., Art. V, Pt. 1, §8; Art. VI, §4; 3 M.R.S.A. §§151, 152; 4 M.R.S.A. §1]

1.5 Administration

a. The Chief Justice is the head of the Judicial Department. He exercises administration and supervision over the entire court system through the State Court Administrator, Superior Court regional presiding justices, and the District Court chief judge. Reference Section 5.1 (General administrative authority). His duties in regard to the administration of the Supreme Judicial Court include:

(1) Decisions concerning the times and places for sessions of the Law Court.

(2) Prescription of regulations for expense statements submitted by justices of the Supreme Judicial Court.

(3) Assignment of cases and other matters to active retired justices of the Supreme Judicial Court.

(4) Appointment of clerks and clerical assistants for the Supreme Judicial Court and determination of their compensation.

(5) Appointment of the clerk of the Law Court and designation of persons to act as additional clerks of the Law Court.

(6) Assignment of justices and active retired justices of the Superior Court to hold its trial sessions.

b. Reference Section 5.2.b (state-level administrator).

c. The Chief Justice of the Supreme Judicial Court appoints the clerk of the Law Court, who serves full time at the pleasure of the Chief Justice. The clerk of the Law Court acts as reporter of decisions and keeps the dockets of the Law Court. From time to time, the Chief Justice may designate one or more clerks of court or other competent persons to act as additional clerks of the Law Court. The clerk of the Law Court also serves as executive secretary of the Appellate Division.

[4 M.R.S.A. §§4, 6, 53, 54, 101, 551; State Court Administrator]

1.6 Rule-making. The Supreme Judicial Court has power to make general rules governing practice and procedure in criminal and civil cases in the Superior and District Courts as well as rules governing practice and procedure in cases before the Administrative Court and cases before complaint justices (reference Section 6.1 Quasi-Judicial Officers). This power is limited only by the constitution and by the statutory caveat that no rule shall modify substantive rights. The Supreme Judicial Court also has power to prescribe rules of evidence for criminal and civil cases before the Supreme Judicial Court, the Superior Court, the District Court, and the Probate Court. Finally, the Supreme Judicial Court has authority to make and promulgate rules, regulations, and orders governing the administration of the Judicial Department.

[4 M.R.S.A. §§1, 8, 9, 9-A; State Court Administrator]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Maine.

Court of General Jurisdiction

3.1 SUPERIOR COURT. The regional presiding justice in each of the three judicial regions in the state determines when sessions will be held in each county in his region. If necessary, the Chief Justice may authorize special sessions in addition to the regularly scheduled ones.

[4 M.R.S.A. §§110, 111].

3.2 Organization. Superior Court is held in the county courthouse in each county. The justices sit individually, traveling from one court to the next within the three judicial regions in the state.

[State Court Administrator]

3.3 Jurisdiction

a. The Superior Court exercises original jurisdiction over all matters, either exclusively or concurrently with other courts, that are not within the jurisdiction of the Supreme Judicial Court sitting as the Law Court or the exclusive jurisdiction of the Administrative Court or the District Court. All felonies are heard in Superior Court, even if the defendant waives his right to a jury trial. Civil jury cases must be tried in Superior Court. The court also has jurisdiction to provide injunctive relief, supervise mortgage foreclosures, compel parties to perform their contracts, settle partnership disputes, and decide actions to quiet title or settle property disputes. It shares with the District Court jurisdiction in divorce and other matters involving domestic relations.

b. The Superior Court hears civil and criminal appeals from District Court cases, and juvenile appeals from the District Court sitting as the Juvenile Court. In addition, it hears appeals from the Administrative Court.

[4 M.R.S.A §1157, 14 M.R.S.A. §§105, 401, 1157, 6051, 6651; 5 M.R.S.A. §2401; 15 M.R.S.A. §§2111, 2114, 2115-A, 2661, 3401, 3402, 3405; State Court Administrator]

3.4 Justices (14)

a. There is no provision for a chief justice over the Superior Court. The Chief Justice appoints regional presiding Superior Court justices for each of the three judicial regions in the state.

b. Superior Court justices must meet the same qualifications as the Supreme Judicial Court justices. Reference Section 1.4.b.

c. Superior Court justices are selected in the same manner and for the same term as Supreme Judicial Court justices. Reference Section 1.4.c.

[4 M.R.S.A. §19]

3.5 Administration

a. The regional presiding justices determine when and where court will be held within their respective regions, what business will be conducted, and when the grand jury will meet. The Supreme Judicial Court may by rule give the regional presiding justices additional duties to perform.

b. There are no provisions for an administrator over all the Superior Courts. Each of the three regional presiding justices employs, supervises, and is assisted by a Superior Court regional court administrator. Reference Section 5.2.b (state-level administrator).

c. The individual courts are administered in each county by a clerk of court. Until 1975, the clerks were elected and served 4-year terms. Now they are under the statewide court personnel system administered by the Chief Justice of the

Supreme Judicial Court. In general, the clerk is responsible for keeping the records of the court, managing case files, administering courtroom proceedings while the court is in session, scheduling cases, and handling communications between the court and attorneys, jurors, and witnesses. Among the duties specifically required of the clerk by statute are the following: receiving and recording fines and forfeitures; preparing quarterly accountings for the state auditor; holding funds in escrow in civil cases; administering oaths; keeping military service records; recording final judgments; and recording indictments and criminal appeals.

[4 M.R.S.A. §§19, 110, 551, 554, 556, 557, 558, 560, 563, 564; State Court Administrator]

3.6 Rule-making. The Supreme Judicial Court determines the rules of procedure and the rules of evidence to be followed in the Superior Court. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. The chief judge determines when court sessions will be held.

[4 M.R.S.A. §164]

4.2.1 Organization. There are 33 divisions of the District Court, organized into 13 districts. When the court sits in juvenile proceedings it is called the Juvenile Court.

[4 M.R.S.A. §§153, 154; 15 M.R.S.A. §3101]

4.3.1 Jurisdiction

a. In criminal cases, the District Court may receive guilty pleas in felony cases. Preliminary hearings may be conducted to determine whether there is probable cause to prosecute in Superior Court. The court may try any misdemeanor. The District Court also holds trial for "civil violations" (including "traffic infractions"), which are noncriminal violations of the law that may not be punishable by imprisonment and for which there is no right to trial by jury.

While much of the District Court's jurisdiction is concurrent with either the Superior Court or the Probate Court, it has exclusive original jurisdiction in small claims cases and juvenile matters. The District Court may hear any civil case in which the damages sought do not exceed $20,000, and no relief other than money damage is sought. Since there is no jury in District Court, civil jury cases may not be heard there. Civil cases in which the court shares jurisdiction with the Superior Court are divorce, marital separation, and domestic relations matters, and proceedings to settle property disputes.

b. The District Court has no appellate jurisdiction.

[4 M.R.S.A. §§152, 165; 14 M.R.S.A. §§6651, 7451 et. seq.; 15 M.R.S.A. §§806, 3001 et. seq., 3101; 19 M.R.S.A. §588]

4.4.1 Judges (20)

a. The District Court is administered by a chief judge, who is designated by the Chief Justice of the Supreme Judicial Court. There are no provisions for presiding judges for the individual districts.

b. District Court judges must be members of the Maine Bar and residents in their districts.

c. District Court judges are appointed by the Governor and serve 7-year terms.

[4 M.R.S.A. §157]

4.5.1 Administration

a. The chief judge's responsibilities include but are not limited to the following: approval of expense statements of other judges; assignment of judges at large to hold court in any division where they are needed; supervision of the collection and publication of statistics on court business and conferences held; establishment of a Traffic Violations Bureau in accordance with the "Model Rules Governing Procedure in Traffic Cases;" appointment and determination of salaries of clerks and clerical assistants; authorization and determination of the salary of the complaint justices (reference Section 6.2); assignment of judges temporarily outside their own districts; submission of an annual budget to the Chief Justice or his delegate; and establishment of a Fisheries and Wildlife Bureau in each division.

b. There are no provisions for an administrator over all the District Courts. The chief judge employs, supervises, and is assisted by two regional court administrators, one for the Northern Region and one for the Southern Region of the District Court system. Reference Section 5.2.b (state-level administrator).

c. Clerks are appointed by the chief judge where needed. They can be full-time or part-time. Their specific duties include fixing and taking bail, and scheduling appearances for those charged with criminal offenses cognizable by the court.

[4 M.R.S.A. §§157, 159, 160, 161, 163, 164; State Court Administrator]

4.6.1 Rule-making. The Supreme Judicial Court determines the rules of procedure and the rules of evidence to be followed in the District Court. Reference Section 1.6.

4.1.2 PROBATE COURT. The court sits in continuous session except for legal holidays.

[4 M.R.S.A. §303]

4.2.2 Organization. There is one Probate Court for each of the 16 counties in the state. There are no specialized divisions of the court.

4.3.2 Jurisdiction

a. The Probate Court has general jurisdiction to probate wills and to authorize executors or administrators of estates to perform their duties; and jurisdiction over adoptions, name changes, appointment of guardians, and persons under guardianships. Jurisdiction is shared with the Superior Court in the direction of specific acts to be done or property to be restored or transferred, and in all matters and cases relating to the administration of estates.

b. The Probate Court has no appellate jurisdiction.

[4 M.R.S.A. §§251, 252]

4.4.2 Judges (16)

a. The Probate Court does not have presiding judges.

b. Probate Court judges must be residents of their districts and must be members of the Maine Bar.

c. Probate Court judges are elected within their respective counties and serve 4-year terms.

[Const., Art. VI, §6; 4 M.R.S.A. §301].

4.5.2 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. There is one register of probate for each Probate Court. The register has care and custody of all files, papers, and books belonging to the probate office. He records all wills proved, letters of administration or guardianship granted, bonds approved, accounts allowed, all petitions and decrees, and other matters as the judge directs. The register also keeps a docket of all probate cases and a record of each proceeding, and acts as auditor of accounts at the judge's request.

[18 M.R.S.A. §§1-501, 1-504, 1-505].

4.6.2 Rule-making. The Supreme Judicial Court prescribes the forms, practice, and procedure, including rules of evidence, which are followed in all proceedings under the Probate Code and all appeals therefrom, provided that the rules are consistent with the provisions of the code and do not abridge, enlarge, or modify any substantive right.

[18 M.R.S.A. §1-304]

4.1.3 ADMINISTRATIVE COURT. The Administrative Court sits in continuous session.

[State Court Administrator]

4.2.3 Organization. The Administrative Court is a statewide court located in Portland. There are no specialized divisions of the court.

[4 M.R.S.A. §1151]

4.3.3 Jurisdiction

a. The Administrative Court has jurisdiction in all cases involving an agency's intention to suspend, revoke, or refuse a license. If the Administrative Court judges are disqualified, jurisdiction is granted to the District Court.

b. The Administrative Court has no appellate jurisdiction.

[4 M.R.S.A. §1151]

4.4.3 Judges (2)

a. The Administrative Court does not have a presiding judge. The court consists of an Administrative Court judge and an associate Administrative Court judge.

b. Administrative Court judges must be members of the Maine Bar and residents of their districts.

c. Administrative Court judges are appointed by the Governor, subject to review by the Joint Standing Committee on the Judiciary and to confirmation by the legislature, and serve 7-year terms.

[4 M.R.S.A. §1151].

4.5.3 Administration

a. There is no provision for a chief judge for the Administrative Court. The Administrative Court judge, however, is responsible for the efficient operation of the court and for the proper conduct of business therein.

b. There is no provision for an administrator for the Administrative Court. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the Chief Justice. He has responsibilities as determined by the court.

[4 M.R.S.A. §1151; State Court Administrator]

4.6.3 Rule-making. Administrative Court procedures are governed by Administrative Court rules that must be approved by the Supreme Judicial Court.

[4 M.R.S.A. §1152(5)]

State-Level Administration

5.1 General administrative authority. The Chief Justice is the head of the Judicial Department. He is responsible for the efficient operation of the Judicial Department, for the expeditious dispatch of litigation, and for the proper conduct of business in all courts. He may require reports from all courts, and he may issue orders and regulations necessary for the efficient operation of the Judicial Department and the prompt and proper administration of justice. Reference Section 1.5.a.

[4 M.R.S.A. §1]

5.2 Administrative Office of the Courts

a. The Administrative Office of the Courts is authorized by statute.

(1) The State Court Administrator's position is authorized by statute.

b. State Court Administrator

(1) The State Court Administrator must be a United States citizen. He must devote full time to official duties, to the exclusion of any profession for profit. The State Court Administrator is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court.

(2) Under the basic statutory enumeration of the State Court Administrator's duties, he or she must:

(a) Carry on a continuous survey and study of the Judicial Department and assist in long- and short-range planning.

(b) Examine the status of dockets and make recommendations to the Chief Justice regarding personnel assignments.

(c) Investigate complaints about court operations.

(d) Prescribe uniform administrative and business methods.

(e) Implement standards and policies set by the Chief Justice.

(f) Act as fiscal officer for the Judicial Department.

(g) Examine arrangements for use and maintenance of court facilities.

(h) Act as secretary to the Judicial Conference (reference Table 29: Judicial councils and conferences).

(i) Submit an annual report to the Chief Justice, legislature, and Governor regarding the activities of the administrative office.

(j) Maintain liaison with other branches of government and agencies.

(k) Prepare and plan for the operation and organization of clerical offices serving the Superior Court, and, upon the request of the chief judge, for the District Court.

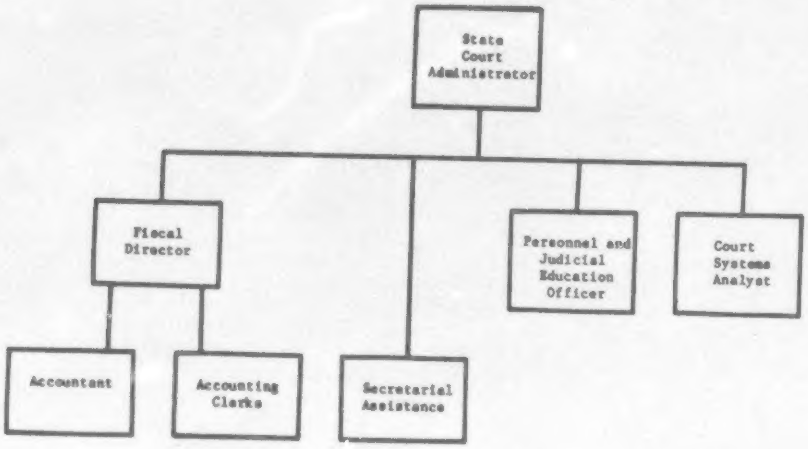
(l) Implement preservice and inservice educational and training programs for nonjudicial personnel of the Judicial Department.

(m) Perform other duties and attend to other matters consistent with powers delegated by statute as assigned by the Chief Justice and the Supreme Judicial Court.

(n) Make recommendations for a uniform system of statistics and collect and analyze court-related data.

In addition, subject to the approval of the Chief Justice, the State Court Administrator must prepare biennially a consolidated operating budget for all courts in the state. Also subject to the approval of the Chief Justice, the State Court Administrator prescribes financial management procedures to be used in all courts.

Figure 2: Maine state-level administrative office of the courts, 1980


State Court Administrator
Fiscal Director
Personnel and Judicial Education Officer
Court Systems Analyst
Accountant
Accounting Clerks
Secretarial Assistance

Finally, the State Court Administrator is responsible for administrative supervision of the Maine Criminal Justice Sentencing Institute.

c. Office organization. For the performance of his or her duties, the State Court Administrator is authorized to appoint any assistants and employees and to purchase or lease any equipment, services, or facilities that may be needed, subject to the approval of the Chief Justice and within the limits of legislative appropriations.

[4 M.R.S.A. §13, 15, 17, 24; State Court Administrator]

Quasi-Judicial Officers

6.1 DISTRICT COURT

6.2 Complaint justice

a. Complaint justices are appointed by and serve at the pleasure of the chief judge of the District Court.

b. Complaint justices may receive complaints and issue processes for arrest of persons charged with offenses, issue search warrants, and endorse certificates of commitment of the mentally ill.

[4 M.R.S.A. §161].

Judicial Discipline

7.1 Committee on Judicial Responsibility and Disability. The committee consists of seven members: two members, either active or active retired justices of the Superior Court, active or active retired judges of the District Court, or active judges of the Probate Court, appointed by the Supreme Judicial Court; two attorneys admitted to the practice of law in Maine, appointed by the Supreme Judicial Court on recommendation of the Governor; and three lay persons, appointed by the Supreme Judicial Court on recommendation of the Governor.

[Administrative Office of the Courts, "Annual Report," 1979]

7.2 Authority and procedure for sanction. The Committee on Judicial Responsibility and Disability is authorized by the Supreme Judicial Court to make recommendations to the court regarding discipline, disability, retirement, or removal of Supreme and Superior Court justices and judges of the District, Probate, and Administrative Courts. The committee acts on complaints of judicial misconduct by investigating and conducting hearings on the alleged misconduct. As the committee is not a substitute for appeal, the committee's mandate is narrow and can only inquire into misconduct as defined by the Code of Judicial Conduct and matters of alleged disability. The Supreme Judicial Court may or may not accept the recommendation of the committee and may make its own recommendation for removal by impeachment to the legislature or the the Governor.

[State Court Administrator]

MARYLAND

Court of Last Resort

1.1 COURT OF APPEALS. The court sits in Annapolis. The term is fixed by court rule, but it cannot be less than 10 months per year.
[Constitution, Article IV, Section 14]

1.2 Organization. The Court of Appeals does not sit in panels. The constitution requires a quorum of five judges.
[Const., Art. IV, §14]

1.3 Jurisdiction

a. The Court of Appeals has original jurisdiction over bar disciplinary hearings, judicial disciplinary hearings, and bar admissions. The court also has original jurisdiction over matters dealing with the successor of the Governor. The Court of Appeals has the power to review legislative districting and to order reapportionment if the existing districting is constitutionally defective.

b. The Court of Appeals has appellate jurisdiction over all cases in the Court of Special Appeals by writ of certiorari. The court also has exclusive appellate jurisdiction with respect to a question of law certified to it under the Uniform Certification of Questions of Law Act.
[Const., Art. II, §6(g); Const., Art. III, §5; Annotated Code of Maryland, Courts and Judicial Proceedings (1974) (hereinafter Code, C.J.), Sections 12-201, 12-307]

1.4 Judges (7)

a. The Governor designates one of the judges of the Court of Appeals to be the Chief Judge. He serves in this role until the end of his term.

b. Court of Appeals judges must be citizens of Maryland, must be qualified voters, must have been residents of Maryland for at least 5 years, must have been residents of the geographic jurisdiction they serve for at least 6 months, must be admitted to the practice of law in Maryland, must be at least 30 years old, and must be "most distinguished for integrity, wisdom, and sound legal knowledge."

c. Court of Appeals judges are appointed by the Governor and confirmed by the Senate. After 1 year in office, the judge faces a retention election on his record; if successful, he is elected to a 10-year term.
[Const., Art. IV, §§2, 5A, 14; State Court Administrator]

1.5 Administration

a. The Chief Judge is the administrative head of the state's judicial system. He exercises administration and supervision over the entire court system through the Maryland Judicial Conference and the Conference of Circuit Court Judges (reference Table 29: Judicial councils and conferences), the State Court Administrator, the chief judge of the Court of Special Appeals, the circuit administrative judges, county administrative judges, Circuit Court administrators, the chief judge of the District Court, and the district administrative judges. Reference Section 5.1 (General administrative authority). The Chief Judge has no specifically articulated duties with regard to the administration of the Court of Appeals.

b. Reference Section 5.2.b (state-level administrator).

c. The Court of Appeals appoints a clerk to serve at its pleasure. There are no formal provisions for assigning administrative duties to the clerk. He exercises general supervisory authority over employees within his office.
[Const., Art. IV, §§17, 18; Code, C.J., §2-401; State Court Administrator]

1.6 Rule-making. The Court of Appeals has the power to make rules and regulations to govern the practice and procedure and judicial administration in the courts of Maryland; this power "is liberally construed." These rules have the force of law, subject to change by the legislature. There is also a Standing Committee on the Rules of Practice and Procedure (made up of lawyers and judges and other persons competent in judicial practice, procedure, or administration) that meets periodically throughout the year. It recommends new rules and revisions to existing rules to the Court of Appeals.
[Const., Art. IV, §18(a); Code, C.J., §§1-201, 13-301; Annual Report 1978-79, p. 19]

Intermediate Appellate Court

2.1 COURT OF SPECIAL APPEALS. The court sits in Annapolis. The term is fixed by court rule, but it cannot be less than 10 months per year.
[Code, C.J., §1-403]

2.2 Organization. The Court of Special Appeals sits in panels of not less than three judges and has statewide jurisdiction.
[Code, C.J., §§1-402, 1-403]

2.3 Jurisdiction

a. The Court of Special Appeals has no original jurisdiction.

b. The Court of Special Appeals has initial appellate jurisdiction over all causes except those where the Court of Appeals has been granted exclusive appellate jurisdiction.
[Code, C.J., §§12-307, 12-308]

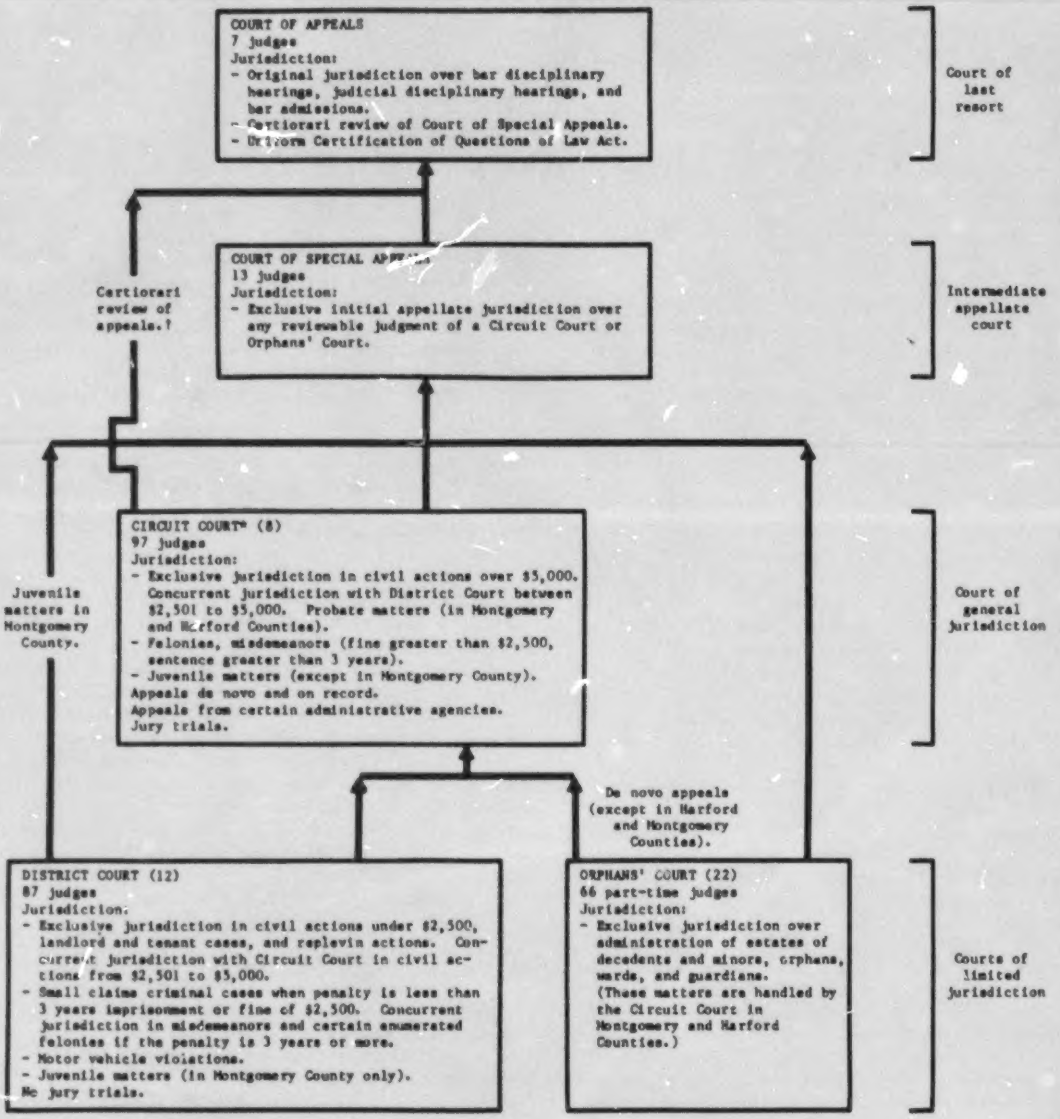
2.4 Judges (13)

a. The Governor designates one of the judges to be the chief judge.

b. Court of Special Appeals judges must meet the same qualifications as judges of the Court of Appeals. Reference Section 1.4.b.

c. Court of Special Appeals judges are selected in the same manner and for the same term as Court of Appeals judges. Reference Section 1.4.c.
[Const., Art. IV, §2; Code, C.J., §1-402(a)]

Figure 1: Maryland court system, 1980



COURT OF APPEALS
7 judges
Jurisdiction:
- Original jurisdiction over bar disciplinary hearings, judicial disciplinary hearings, and bar admissions.
- Certiorari review of Court of Special Appeals.
- Uniform Certification of Questions of Law Act.

COURT OF SPECIAL APPEALS
13 judges
Jurisdiction:
- Exclusive initial appellate jurisdiction over any reviewable judgment of a Circuit Court or Orphans' Court.

CIRCUIT COURT* (8)
97 judges
Jurisdiction:
- Exclusive jurisdiction in civil actions over $5,000. Concurrent jurisdiction with District Court between $2,501 to $5,000. Probate matters (in Montgomery and Harford Counties).
- Felonies, misdemeanors (fine greater than $2,500, sentence greater than 3 years).
- Juvenile matters (except in Montgomery County).

Appeals de novo and on record.
Appeals from certain administrative agencies.
Jury trials.

DISTRICT COURT (12)
87 judges
Jurisdiction:
- Exclusive jurisdiction in civil actions under $2,500, landlord and tenant cases, and replevin actions. Concurrent jurisdiction with Circuit Court in civil actions from $2,501 to $5,000.
- Small claims criminal cases when penalty is less than 3 years imprisonment or fine of $2,500. Concurrent jurisdiction in misdemeanors and certain enumerated felonies if the penalty is 3 years or more.
- Motor vehicle violations.
- Juvenile matters (in Montgomery County only).

No jury trials.

ORPHANS' COURT (22)
66 part-time judges
Jurisdiction:
- Exclusive jurisdiction over administration of estates of decedents and minors, orphans, wards, and guardians. (These matters are handled by the Circuit Court in Montgomery and Harford Counties.)

Certiorari review of appeals.†
Juvenile matters in Montgomery County.
De novo appeals (except in Harford and Montgomery Counties).
Court of last resort
Intermediate appellate court
Court of general jurisdiction
Courts of limited jurisdiction

↑ Indicates route of appeal.

† When the Circuit Court acts in an appellate capacity for courts of limited jurisdiction, the appeals go to the Court of Appeals only by way of certiorari review.

* The Eighth Judicial Circuit includes six courts, referred to collectively as the Supreme Bench of Baltimore City. The courts included are the Supreme Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City and Circuit Court Number 2 of Baltimore City.

2.5 Administration

a. Subject to the direction of the Chief Judge of the Court of Appeals, the chief judge of the Court of Special Appeals is responsible for the administration of the court. To the extent applicable, he possesses the authority granted to a county administrative judge (reference Section 3.5.a).

b. There is no provision for an administrator for the Court of Special Appeals. Reference Section 5.2.b (state-level administrator).

c. The Court of Special Appeals appoints a clerk to serve at its pleasure. There are no formal provisions for assigning administrative duties to the clerk. He exercises general supervisory authority over employees within his office.

[Code, C.J., §2-401; Maryland Rules of Procedure (hereinafter Md. R.) 1200 b; State Court Administrator]

2.6 Rule-making. Reference Section 1.6.

Court of General Jurisdiction

3.1 CIRCUIT COURT. The term of the Circuit Court is determined by the local jurisdiction.

[Const., Art. IV, §§21A, 33]

3.2 Organization. The state is divided into eight judicial circuits, each of which contains from one to five counties. There is a Circuit Court for each county. The Eighth Circuit is referred to as the Supreme Bench of Baltimore City and has the following divisions: the Superior Court of Baltimore City, Court of Common Pleas, Baltimore City Court, Criminal Court of Baltimore, Circuit Court of Baltimore City, and Circuit Court No. 2 of Baltimore City.

[Const., Art. IV, §19]

3.3 Jurisdiction

a. Each Circuit Court has full criminal and civil jurisdiction in all cases unless exclusive original jurisdiction has been granted to another court. The court also has juvenile jurisdiction, except in Montgomery County where the District Court has this jurisdiction. In the Eighth Circuit, the Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court hear all civil common-law cases. The Court of Common Pleas also hears insolvency cases. The Criminal Court of Baltimore City handles all criminal cases and the two Circuit Courts of Baltimore City hear equity cases. In Montgomery and Harford Counties, probate matters are handled by the Circuit Court.

b. The Circuit Court has appellate jurisdiction over cases tried in District Court and Orphans' Court. In the Eighth Circuit, appeals from the District Court in civil matters are heard in the Baltimore City Court.

[Const., Art. IV, §§20, 28, 29; Code, C.J., §§1-501, 3-803, 12-403, 12-403a]

3.4 Judges (97)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. Except for the Eighth Judicial Circuit where the Governor appoints the chief judge, the senior judge in length of service in each circuit is the chief judge of the circuit. A circuit administrative judge is appointed in each circuit by the Chief Judge of the Court of Appeals. In the absence of such an appointment, the chief judge of the circuit also serves as the circuit administrative judge. The circuit administrative judge, with the approval of the Chief Judge of the Court of Appeals, may appoint a county administrative judge for any county within his judicial circuit. In the Eighth Circuit, the circuit administrative judge acts as the county administrative judge.

b. Circuit Court judges must meet the same requirements as judges of the Court of Appeals. Reference Section 1.4.b.

c. Circuit Court judges are elected by the citizens of their respective counties to 15-year terms. They exercise general supervisory authority over employees within their offices.

[Const., Art. IV, §§2, 3, 5, 21; Md. R. 1200 c.1, 1200 d.1; State Court Administrator]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, each circuit administrative judge, subject to the direction of the Chief Judge of the Court of Appeals, is generally responsible for the administration of the several courts within his circuit and for the supervision of the county administrative judges within his circuit. He may perform any of the duties of a county administrative judge (see next paragraph), and must call a meeting of all judges of his circuit at least once every 6 months. The circuit administrative judge also has special supervisory powers over the removal of cases, which may be delegated. Except for assignments made by the Chief Judge of the Court of Appeals, the circuit administrative judge for each of the first seven judicial circuits may assign any judge of his circuit to sit as a judge of the Circuit Court of any county in the judicial circuit. The Supreme Bench of Baltimore City performs this function in the Eighth Circuit.

Subject to the general supervision of the Chief Judge of the Court of Appeals and to the direct supervision of his circuit administrative judge, particularly with reference to assignment of judges and of cases, a county administrative judge is responsible for the administration of the court for his county. His duties include assignment of judges; supervision of judges, officers, and employees of the court; supervision of court calendars and cases filed; preparation of the budget; and purchase of equipment, supplies, and services. Supervision of and responsibility for the employment, discharge, and classification of personnel is subject to the approval of a majority of judges of his court. These functions may be delegated with the approval of the circuit administrative judge to any judge or to any committee of judges of his court, or to any office or employee of the court. The chief judges of the individual circuits have no inherent administrative power or authority, with the exception of the right to preside when more than one judge is present.

b. There is no provision for an administrator over all the circuits of the Circuit Court. The First, Second, Fourth, and Fifth Circuits have state-funded Circuit Court administrators. In the Third, Seventh and Eighth Circuits, the administrators are locally funded. In the Sixth Circuit, the elected clerk of the Circuit Court also serves as administrator. Except for those functions that may be handled by the elected clerks, the Circuit Court administrators are generally responsible for management of the courts' calendars; administration of all staff services; personnel, financial, and records administration; and management of the physical plant.

c. Clerks of the Circuit Court are elected by the voters of the counties or cities to 4-year terms. There are no formal provisions for assigning administrative duties to the clerks. They exercise general supervisory authority over employees within their office.

[Const., Art. IV, §§25, 32, 37; Md. R. 1200 C.2(a), 1200 C.2(b), 1200 d.2, 1200 d.3, 1202 b.1; Administrative Office of the Courts, *Annual Report 1975-76*, p. 34; Administrative Office of the Courts Manual, Circuit Court Administrator position description; State Court Administrator]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. The district court sits in continuous session.

[State Court Administrator]

4.2.1 Organization. The state is divided into 12 judicial districts, each of which contains from 1 to 5 counties. In multi-county districts there is at least one District Court judge in residence and holding court in each county. Although there are no specialized divisions in the District Court, there is a Small Claims Court with a separate docket.

[Const., Art. IV, §41B; Code, C.J., §§1-602, 1-603; Md. R. 568]

4.3.1 Jurisdiction

a. The District Court has jurisdiction over violations of vehicle laws, misdemeanors, nonfelonious ordinance violations, and certain statutory theft offenses where the value of the property stolen does not exceed $500. The District Court has original jurisdiction in an action in contract or tort if the amount in controversy does not exceed $2,500; an action for replevin, regardless of amount in controversy; landlord-tenant actions; distraint or forcible entry and detainer; and petitions relating to the use, disposition, encumbrances, or preservation of certain property. In cases where the amount in controversy exceeds $2,500 or the potential fine exceeds $2,500, the District Court's jurisdiction is concurrent with the Circuit Court up to $5,000. In Montgomery County only, the District Court has jurisdiction over juvenile causes.

b. The District Court has no appellate jurisdiction.

[Const., Art. IV, §41A; Code, C.J., §§4-301, 4-302, 4-401, 4-402, 4-403; *Greenbelt Consumer Services, Inc. v. Acme Markets, Inc.*, 272 Md. 222]

4.4.1 Judges (87)

a. There is a chief judge over all the districts of the District Court, who is appointed by the Chief Judge of the Court of Appeals. He serves at the pleasure of the Chief Judge. The chief judge of the District Court appoints an administrative judge for each district, who serves at the pleasure of the chief judge.

b. District Court judges must meet the same qualifications as judges of the Court of Appeals. Reference Section 1.4.b.

c. District Court judges are appointed by the Governor from names submitted to him by the Trial Court Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). Upon confirmation by the Senate, they serve 10-year terms.

[Const., Art. IV, §§2, 41D, 41E,; Code, C.J., §§1-603, 1-607; State Court Administrator]

4.5.1 Administration

a. The chief judge over all the districts of the District Court has responsibility for the maintenance, administration, and operation of the District Court. Subject to the approval of the Chief Judge of the Court of Appeals, he appoints an administrative judge for each district. The administrative judge is responsible for the administration, operation, and maintenance of the court in that district and for the conduct of the court's business.

b. There are no provisions for administrators for the District Court. Reference Section 5.2.b (state-level administrator).

c. The chief judge appoints a chief clerk who serves all the districts of the District Court. The chief judge, with the aid of each district administrative judge, appoints a chief administrative clerk for each district who serves at the pleasure of the chief judge. District Court clerks perform duties in the administration of the District Court as may be assigned them by the chief judge or as may be prescribed by rule or law.

[Const., Art. IV, §§41E, 41F; Code, C.J., §§1-605, 1-607, 2-602; State Court Administrator]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 ORPHANS' COURT. Terms of the Orphans' Court are determined by court rule or order of the respective courts. In the absence of such a local rule, court will convene on the second Tuesday in February, April, June, August, October, December or more often if necessary.

[Annotated Code of Maryland, Estates and Trusts (1974) (hereinafter Code, E. & T.), Section 2-106]

4.2.2 Organization. There is one Orphans' Court in each county of the state, with the exception of Montgomery and Harford counties. Three judges preside in each Orphans' Court. There are no specialized divisions of the court.

[Const., Art. IV, §40]

4.3.2 Jurisdiction

a. The Orphans' Court is a probate court. It may conduct judicial probate, direct the conduct of a personal representative, and pass orders that may be required in the course of the administration of an estate of a decedent. In Montgomery and Harford Counties, probate matters are handled by the Circuit Court.

b. The Orphans' Court has no appellate jurisdiction.

[Const., Art. VI, §20; Code, E. & T., §2-102]

4.4.2 Judges (66 part-time)

a. The Governor designates one of the three judges elected to each Orphans' Court to be the chief judge. The chief judge serves a 4-year term.

b. Orphans' Court judges must be citizens of Maryland and must have been residents of the counties or cities they serve for 12 months preceding the election. They need not be members of the bar.

c. Orphans' Court judges are elected to 4-year terms by the voters of the counties and of the city of Baltimore.

[Const., Art. IV, §40; Code, E. & T., §2-107; *Kadan v. Board of Supervisors of Elections*, 273 Md. 406, 329A.2d702 (1974); State Court Administrator]

4.5.2 Administration

a. The chief judges of the Orphans' Court have no specifically articulated duties with regard to the administration of the court.

b. There are no provisions for administrators for the Orphans' Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Orphans' Court.

4.6.2 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Judge of the Court of Appeals is the administrative head of the judicial system of the state. Reference Section 1.5.a.

[Const., Art. IV, §18(b)]

5.2 Administrative Office of the Courts

a. The Administrative Office of the Courts is authorized by statute.

b. State Court Administrator

(1) The position of State Court Administrator is authorized by statute.

(2) The State Court Administrator is appointed by the Chief Judge of the Court of Appeals and serves at his pleasure. There are no formal qualifications for the position.

(3) The administrative office, under the management of the State Court Administrator, is responsible for planning, personnel administration, budget preparation and administration, judicial education programs, information systems management, and equipment acquisition. The administrative office also performs secretariat duties for the Judicial Conference (reference Table 29: Judicial councils and conferences), and liaison duties for the court system as a whole.

c. Office organization. The Administrative Office of the Courts consists of 51.5 people: 28.5 professionals (including the State Court Administrator) and 23.0 clerical personnel. The professional staff provides support services within five units of the Administrative Office of the Courts: judicial administrative services, judicial education services, judicial information systems, judicial planning services, the statistical auditing project, and research and special projects. The State Court Administrator may appoint personnel necessary to carry out his duties with the approval of the Chief Judge of the Court of Appeals.

[Code, C.J., §13-101; Administrative Office of the Courts Manual, unit descriptions; State Court Administrator]

Quasi-Judicial Officers

6.1.1 CIRCUIT COURT
6.2.1 Master and juvenile master

a. Masters of the Circuit Court must be members of the state bar. Juvenile masters are appointed by the Circuit Court with the approval of the Chief Judge of the Court of Appeals. All other masters do not require such approval. All masters serve at the pleasure of the court.

b. Masters hear cases assigned to them by the court and make findings and recommendations to the Circuit Court judge for his disposition.

[Code, C.J., §3-8-13; Md. R. 911e; Parajudges: Their Role in Today's Court Systems, p. 43]

6.1.2 CIRCUIT COURT
6.2.2 Auditor and examiner

a. Judges may appoint auditors and examiners for their respective courts as may be found necessary. Auditors and examiners serve at the court's pleasure.

b. Auditors have power to administer oaths, and audit and settle accounts agreeable to the order of the court. Examiners have authority to fix a reasonable day for the examination of witnesses and to take evidence.

[Const., Art. IV, §9; Code, C.J. §§2-102, 2-501]

6.1.3 DISTRICT COURT
6.2.3 Commissioner

a. Commissioners are appointed by the administrative judges of the District Courts, with the approval of the chief judge of the District Court. In multi-county districts, the administrative judge obtains the recommendations of the resident judge in each county as to the number of commissioners required in the county and the people to be appointed. Commissioners must be adult residents of the county they serve and need not be attorneys. They serve at the pleasure of the chief judge of the District Court.

b. Commissioners determine probable cause for warrants and criminal summonses and conduct bail hearings.

[Const., Art. IV, §9; Code, C.J., §2-607; State Court Administrator]

Judicial Discipline

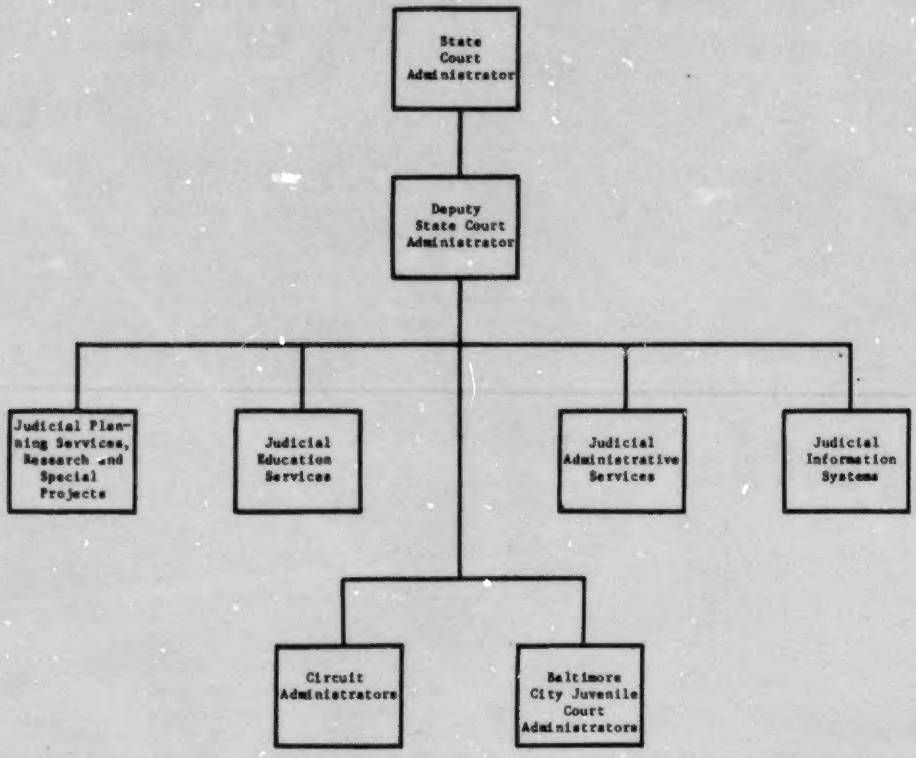
7.1 Commission on Judicial Disabilities. The commission is composed of seven members who are citizens and residents of Maryland and who are appointed by the Governor. Four members are judges appointed from the appellate courts, the Circuit Court, the Supreme Bench of Baltimore City, and the District Court; two are members of the Maryland Bar; and one member is neither a judge, active or retired, nor an attorney.

[Const., Art. IV, §4A]

7.2 Authority and procedure for sanction. The commission has the authority to investigate complaints against any judge of the Court of Appeals, the Court of Special Appeals, the Circuit Court (including the Supreme Bench of Baltimore City), the District Court, and the Orphans' Court; conduct hearings concerning such complaints; administer oaths and affirmations; issue processes to compel attendance of witnesses and the production of evidence; and require persons to testify and produce evidence by granting them immunity from prosecution, penalty, or forfeiture. All proceedings, testimony, and evidence before the commission is confidential and privileged, except as provided by rule of the Court of Appeals. The record and any proceeding loses its confidential character when filed with the Court of Appeals, except as ordered by the court.

Upon receiving a verified complaint alleging that a judge has committed acts constituting misconduct in office, or has persistently failed to perform the duties of his office, or has behaved prejudicially to the administration of justice, or that he has a disability seriously interfering with the performance of his duties which is, or is likely to become permanent, or upon its own motion, the commission may conduct a preliminary investigation to determine whether formal proceedings should be instituted. The judge is notified by registered mail of the nature of the complaint against him and the name of the complainant and can provide the commission with such evidence as he chooses. A majority of the commission can dismiss

Figure 2: Maryland state-level administrative office of the courts, 1980


State Court Administrator
Deputy State Court Administrator
Judicial Planning Services, Research and Special Projects
Judicial Education Services
Judicial Administrative Services
Judicial Information Systems
Circuit Administrators
Baltimore City Juvenile Court Administrators

the complaint if preliminary investigation does not produce sufficient cause to warrant a hearing.

If formal proceedings are instituted, the judge is notified by mail. This notice specifies the nature of the complaint, and the alleged facts on which the complaint is based, and is served in accordance with the Maryland civil rule on service of process. Within 15 days of the service of notice, the judge may file an answer. After an answer has been filed, or 15 days after service if no answer is filed, the commission sends notice to the judge by mail of the date and time of his hearing. Notice must precede the hearing date by at least 20 days. A majority of the commission must be present for a valid hearing.

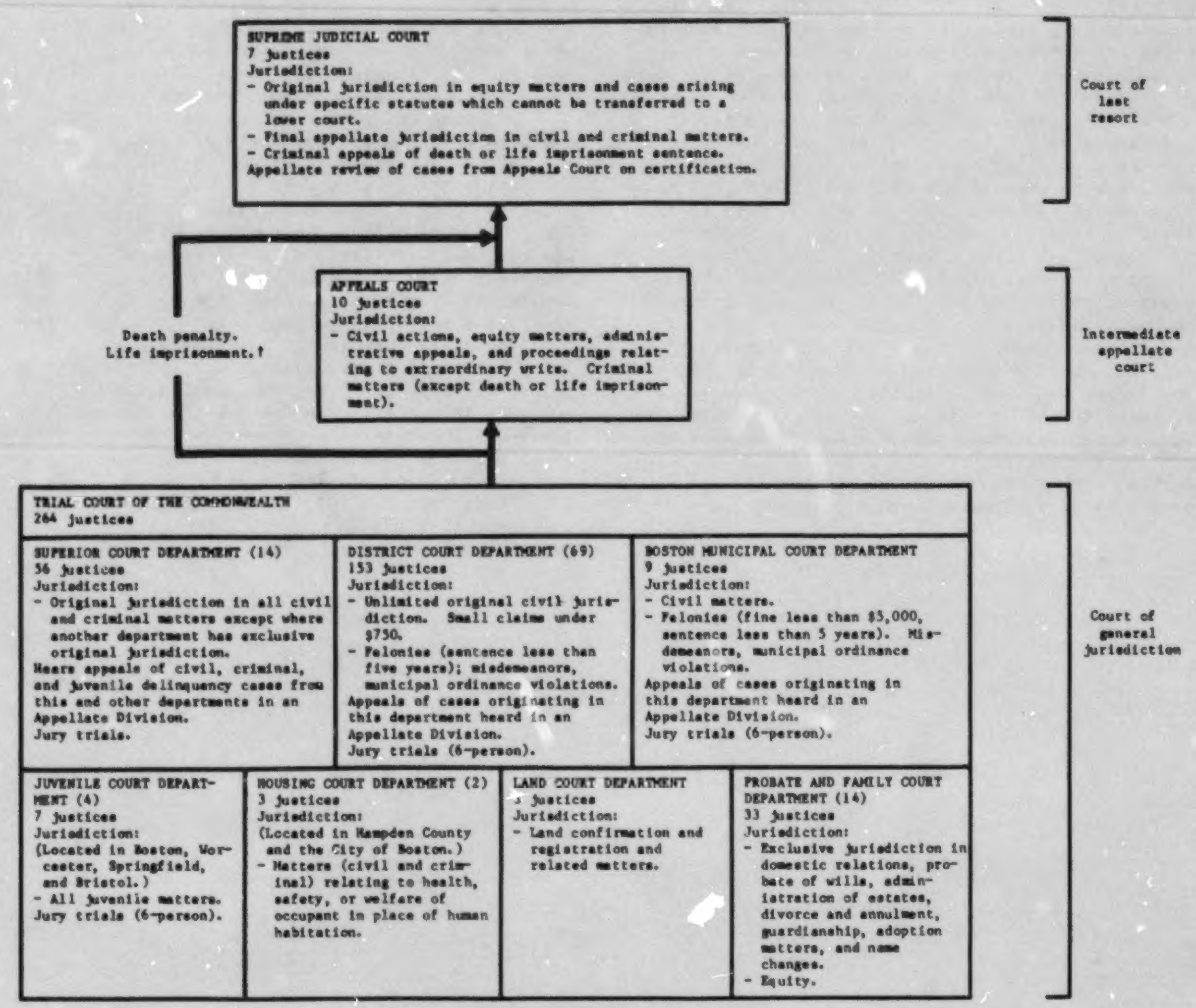
At the formal hearing, the judge can introduce evidence in his own behalf, can be represented by counsel, can examine and cross-examine witnesses, and can issue summons to compel witnesses to testify and to compel written evidence to be produced. The judge has a right to reference any transcript prepared by the commission, as well as to have any part of the testimony transcribed at his expense.

The affirmative vote of a majority of the members of the commission present at the hearing is necessary to recommend censure, removal, reprimand, or retirement of a judge. The commission files a copy of the recommendation, as well as transcripts, findings, and conclusions, with the Court of Appeals, and mails the judge notice of the filing and a copy of any document it submitted to the court. The Court of Appeals then notifies the judge of a date for his hearing. This date must be within 30 days from the date the recommendations were filed.

The judge can submit exceptions to the recommendations within 15 days after he receives notice of the filing with the Court of Appeals; the commission can file answers to such exceptions within 10 days after the exceptions are submitted. The proceeding before the court is adversary only if the commission decides to be represented by counsel. After oral argument, the court can remand for further proceedings before the commission and include in its order to remand the specific reasons for remand, it can dismiss the proceedings entirely, or it can affirm. A judge can waive a hearing before the court, and let the court decide on the evidence before it. The Court of Appeals can on its own initiative order a more severe disciplining of a judge than the commission recommended.

[Const., Art. IV, §4B; Code, C.J., §§13-401, 13-403; Md. R. 1227, 1227f, 1227g to 1227j, 1227n to 1227q]

Figure 1: Massachusetts court system, 1980



SUPREME JUDICIAL COURT
7 justices
Jurisdiction:
- Original jurisdiction in equity matters and cases arising under specific statutes which cannot be transferred to a lower court.
- Final appellate jurisdiction in civil and criminal matters.
- Criminal appeals of death or life imprisonment sentence.

Appellate review of cases from Appeals Court on certification.

APPEALS COURT
10 justices
Jurisdiction:
- Civil actions, equity matters, administrative appeals, and proceedings relating to extraordinary writs. Criminal matters (except death or life imprisonment).

TRIAL COURT OF THE COMMONWEALTH
264 justices

SUPERIOR COURT DEPARTMENT (14)
56 justices
Jurisdiction:
- Original jurisdiction in all civil and criminal matters except where another department has exclusive original jurisdiction.

Hears appeals of civil, criminal, and juvenile delinquency cases from this and other departments in an Appellate Division.
Jury trials.

DISTRICT COURT DEPARTMENT (69)
153 justices
Jurisdiction:
- Unlimited original civil jurisdiction. Small claims under $750.
- Felonies (sentence less than five years); misdemeanors, municipal ordinance violations.

Appeals of cases originating in this department heard in an Appellate Division.
Jury trials (6-person).

BOSTON MUNICIPAL COURT DEPARTMENT
9 justices
Jurisdiction:
- Civil matters.
- Felonies (fine less than $5,000, sentence less than 5 years). Misdemeanors, municipal ordinance violations.

Appeals of cases originating in this department heard in an Appellate Division.
Jury trials (6-person).

JUVENILE COURT DEPARTMENT (4)
7 justices
Jurisdiction:
(Located in Boston, Worcester, Springfield, and Bristol.)
- All juvenile matters.

Jury trials (6-person).

HOUSING COURT DEPARTMENT (2)
3 justices
Jurisdiction:
(Located in Hampden County and the City of Boston.)
- Matters (civil and criminal) relating to health, safety, or welfare of occupant in place of human habitation.

LAND COURT DEPARTMENT
5 justices
Jurisdiction:
- Land confirmation and registration and related matters.

PROBATE AND FAMILY COURT DEPARTMENT (14)
33 justices
Jurisdiction:
- Exclusive jurisdiction in domestic relations, probate of wills, administration of estates, divorce and annulment, guardianship, adoption matters, and name changes.
- Equity.

↑ Indicates route of appeal.

† Appeals generally may be taken to either the Appeals Court or the Supreme Judicial Court with the Supreme Judicial Court deciding which court will hear which case.

MASSACHUSETTS

Court of Last Resort

1.1 SUPREME JUDICIAL COURT. The Supreme Judicial Court sits en banc, at Boston to hear questions of law, beginning on the first Monday of October, November, December, January, February, March, April, and May, and at such other times or places as the court may order.

[Massachusetts General Laws Annotated (hereinafter Mass. Gen. Laws Ann.) (citations drawn from the 1978 court reorganization act note the date of the legislation), Chapter 211, Section 12 ; Rules of the Supreme Judicial Court of Massachusetts, Rule 1.26]

1.2 Organization. The court does not sit in panels. Questions of law arising upon exceptions filed to a judge's ruling, the report of a judge, or an appeal from a final order are heard and determined by the full court.

[Mass. Gen. Laws Ann., Ch. 211, §§1, 5]

1.3 Jurisdiction

a. A single justice of the Supreme Judicial Court may exercise original jurisdiction in equity matters concurrent with the Superior Court Department of the Trial Court. Original jurisdiction is exercised by a majority of justices in the removal of certain officers (clerks of court, county commissioners, registers of probate and insolvency, district attorneys, and land court recorders). Exclusive original equity jurisdiction remains in the Supreme Judicial Court in cases arising under specific statutes and which cannot be transferred to a lower court. The court may issue necessary writs and process.

b. The Supreme Judicial Court has exclusive appellate jurisdiction in cases of first degree murder where a sentence of death or life imprisonment is imposed, in any case that the Supreme Judicial Court or the Appeals Court certifies for direct review, or any case that has broad public concern. The Supreme Judicial Court has appellate review of cases decided by the Appeals Court only on certification.

[Mass. Gen. Laws Ann., Ch. 211, §§3, 4, 4A, 17, Ch. 211A, §§10, 11, Ch. 213, §1A, Ch. 214, §1]

1.4 Justices (7)

a. The Chief Justice is selected to serve until age 70.

b. Supreme Judicial Court justices' qualifications are not set by statute. In practice, they have traditionally been attorneys.

c. Supreme Judicial Court justices are appointed to serve during good behavior until age 70 by the Governor with the advice and consent of the Executive Council. By executive order, the Governor has established a Judicial Nominating Commission (reference Table 12: Characteristics of Judicial nominating commissions), appointed by him, to assist in the screening of applicants and nominees.

[Constitution Part 2, Chapter 2, Section 1, Article 9; Const. Pt. 2, Ch. 3, Art. 1; Chief Administrative Justice of the Trial Court]

1.5 Administration

The Supreme Judicial Court exercises administration and supervision over the entire court system through the Chief Justice, the Appeals Court chief justice, the administrative assistant of the Supreme Judicial Court, the Chief Administrative Justice of the Trial Court, and the departmental administrative justices. Reference Section 5.1 (General administrative authority).

a. The Chief Justice prepares the budget for the Supreme Judicial Court. He may assign consenting retired justices to temporary service in any court.

b. The justices of the Supreme Judicial Court may appoint an administrative assistant to serve at their pleasure. He has such powers and performs such duties as they determine. There are no formal provisions regarding qualifications and specific responsibilities for the administrative assistant's position.

c. The justices appoint the clerk of the Supreme Judicial Court and may appoint an assistant clerk. The justices appoint first assistant clerks for the counties of Barnstable, Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Worcester, and Suffolk. Except in Suffolk County, assistant clerks of the Supreme Judicial Court act as first assistant clerks of the Superior Court Department and as county commissioners. Additional assistant clerks may be appointed as provided by law. In practice, the clerks of the Supreme Judicial Court have supervisory duties. There are no formal provisions for assigning administrative duties to clerks in addition to their clerical and parajudicial functions.

[Mass. Gen. Laws Ann., Ch. 211, §§2A (1978), 3A, 3B, 24 (1978), Ch. 221, §§1 (1978), 3, 4 (1978), 5 (1978), 62B (1978); Chief Administrative Justice of the Trial Court]

1.6 Rule-making. The Supreme Judicial Court is authorized to make and promulgate rules consistent with law for the regulation of its practice and conduct of its business. The Supreme Court has general superintendence over all courts. Rules of court administration have not been promulgated.

[Mass. Gen. Laws Ann., Ch. 211, §3, Ch. 213, §3 (1978)]

Intermediate Appellate Court

2.1 APPEALS COURT. The court sits at Boston beginning on the second and third Mondays of October, November, December, January, February, March, April, and May, and at such other places or times as the chief justice of this court may order.

[Mass. Gen. Laws Ann., Ch. 211A, §4; Massachusetts Appeals Court Rules for the Regulation of Appellate Practice, Rule 1:26]

2.2 Organization. The Appeals Court, which consists of 10 justices, may sit in panels of three or more as assigned by the chief justice.

[Mass. Gen. Laws Ann., Ch. 211A, §§1 (1978), 3]

2.3 Jurisdiction

a. The Appeals Court has no original jurisdiction.

b. The Appeals Court has concurrent appellate jurisdiction with the Supreme Judicial Court over proceedings heard in the Trial Court in criminal matters except in cases where life imprisonment or the death sentence is imposed, and in civil and equity matters, administrative determinations, and proceedings relating to extraordinary writs.

[Mass. Gen. Laws Ann., Ch. 211A, §10]

2.4 Justices (10)

a. The chief justice is selected in the same manner as the other justices, but is designated chief justice and serves until age 70.

b. Qualifications of Appeals Court justices are not set by statute. In practice, justices have traditionally been attorneys.

c. Appeals Court justices are selected in the same manner as Supreme Judicial Court justices. Reference Section 1.4.c.

[Const. Pt. 2, Ch. 2, §1, Art. 9; Const. Pt. 2, Ch. 3, Art. 1; Chief Administrative Justice of the Trial Court]

2.5 Administration

a. The chief justice of the Appeals Court prepares the court budget to be submitted to the Chief Justice of the Supreme Judicial Court. In addition, he assigns consenting retired Appeals Court justices to temporarily perform judicial duties in that court or the Trial Court.

b. There is no provision for an administrator for the Appeals Court. The clerk serves as the administrative officer of the court, performing chiefly clerical functions.

c. The first assistant clerk of the Supreme Judicial Court for Suffolk County is the clerk of the Appeals Court. He appoints five assistant clerks, who serve, after a 2-year probationary term, until age 70 during good behavior. In practice, the clerk of the Appeals Court has supervisory duties. There are no provisions for assigning administrative duties to the clerk.

[Mass. Gen. Laws Ann., Ch. 211A, §§7 (1978), 8, 16 (1978), Ch. 221, §94 (1978)]

2.6 Rule-making. The Appeals Court, subject to the approval of the Supreme Judicial Court, adopts rules regulating practices, procedures, and internal administration of the court.

[Mass. Gen. Laws Ann., Ch. 211A, §13; Chief Administrative Justice of the Trial Court]

Court of General Jurisdiction

3.1 TRIAL COURT OF THE COMMONWEALTH

The 1978 court reorganization created a unified Trial Court of the Commonwealth consisting of seven departments: the Superior Court, the Housing Court, the Land Court, the Probate and Family Court, the Boston Municipal Court, the Juvenile Court, and the District Court Departments.

[Mass. Gen. Laws Ann., Ch. 211B, §1 (1978)]

3.1.a SUPERIOR COURT DEPARTMENT. Statutes specify 21 regular sittings of the Superior Court Department. The administrative justice may establish special sittings.

[Mass. Gen. Laws Ann., Ch. 212, §§14, 14A (1978)]

3.2.a Organization. The Superior Court Department holds sessions in 14 counties. The Superior Court Department has an Appellate Division that hears appeals on sentences in criminal cases.

[Mass. Gen. Laws Ann., Ch. 212, §14; Annual Report, 1979]

3.3.a Jurisdiction

a. The Superior Court Department has original jurisdiction in all criminal actions and in all civil actions except in cases where another department has exclusive original jurisdiction. The Superior Court Department has exclusive original jurisdiction in civil actions for the foreclosure of mortgages, and in real and mixed actions, except those in which the Land or District Court Departments have jurisdiction; in complaints for flowing lands (lands that go under water due to alteration of a river); and in claims against the commonwealth. The Superior Court Department has exclusive jurisdiction in all actions in which injunctive relief is sought in any matter growing out of a labor dispute.

b. The Superior Court Department has jurisdiction in all civil actions and proceedings brought before it by appeal or removal. The Appellate Division of the Superior Court Department hears appeals on sentences imposed at first instance criminal trials held within the department. Civil actions remanded from the Superior Court Department to the District Court and Boston Municipal Court Departments for an initial bench trial may be appealed to the Superior Court Department for a jury trial de novo.

[Mass. Gen. Laws Ann., Ch. 212, §§3, 4, 5, 6, (1978), Ch. 214, §1; Annual Report, 1979]

3.4.a Justices (56)

a. Each department of the Trial Court has an administrative justice appointed by the Supreme Judicial Court to a 5-year term. He cannot succeed himself.

b. Qualifications of Superior Court Department justices are not set by statute. In practice, justices have traditionally been attorneys.

c. All Trial Court justices are appointed to serve during good behavior until age 70 by the Governor with the advice and consent of the Executive Council. By executive order, the Governor has established a Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions), appointed by him, to assist in the screening of applicants and nominees.

[Const. Pt. 2, Ch. 2, §1, Art. 9; Mass. Gen. Laws Ann., Ch. 211B, §§2 (1978), 5; Chief Administrative Justice of the Trial Court]

3.5.a Administration

a. Subject to the superintending power of the Supreme Judicial Court and the administrative authority of the Chief Administrative Justice of the Trial Court (reference Section 5.2.a), the administrative justice is the administrative head of his department, its clerks, and other officers.

He has responsibility for the administrative management of the personnel, staff services, and business of his department including financial administration and budget preparation, recordkeeping, information systems and statistical controls, purchasing, the planning of construction, caseflow management, and sitting assignments for the justices of his department.

b. There are no provisions for administrators for the separate departments of the Trial Court. Reference Section 5.2.b (state-level administrator).

c. There are two elected clerks for the Superior Court Department of Suffolk County. In each of the other counties there is one elected clerk.

The justices of the Supreme Judicial Court may appoint first assistant clerks, and the clerks of court may appoint additional assistant clerks, as provided by law. There are no formal provisions for assigning administrative duties to the clerks, in addition to their clerical and parajudicial functions.

[Mass. Gen. Laws Ann., Ch. 211B, §10 (1978), Ch. 221, §§3, 4 (1978), 5 (1978), 14 et. seq. (1978), 62B (1978)]

3.6.a Rule-making. The Superior Court Department is authorized to make and promulgate rules consistent with law for the regulation of its practice and conduct of its business. Rules of court administration have not been promulgated.

[Mass. Gen. Laws Ann., Ch. 213, §3 (1978)]

3.1.b HOUSING COURT DEPARTMENT.

The Housing Court Department sits in continuous session.

[Mass. Gen. Laws Ann., Ch. 185c, §5]

3.2.b Organization. The Housing Court Department is composed of a division for Hampden County and a division for the City of Boston.

[Mass. Gen. Laws Ann., Ch. 185C, §1 (1978)]

3.3.b Jurisdiction

a. The divisions of the Housing Court Department have jurisdiction concurrent with the Superior Court and District Court Departments over all criminal actions and all civil actions arising in their geographical jurisdiction as defined by statute. They have jurisdiction as is concerned with the health, safety, or welfare of any occupant of any place used as a place of human habitation. They also have jurisdiction in equity concurrent with the divisions of the District Court Department, the divisions of the Probate and Family Court Department, the Superior Court Department, the Appeals Court, and the Supreme Judicial Court. In all matters within their jurisdiction, the divisions have all the powers of the Superior Court Department including the power to grant temporary restraining orders and preliminary injunctions, and have like power and authority for enforcing orders, sentences, and judgments, and for punishing contempts.

b. The Housing Court Department has no appellate jurisdiction.

[Mass. Gen. Laws Ann., Ch. 158C, §3 (1978)]

3.4.b Justices (3)

a. Reference Section 3.4.a.a.

b. Housing Court Department justices' qualifications are not set by statute. In practice, they have traditionally been attorneys.

c. All Trial Court justices are selected as indicated in Section 3.4.a.c. They serve for life.

[Chief Administrative Justice of the Trial Court]

3.5.b Administration

a. The position of administrative justice of each department of the Trial Court is described in Section 3.5.a.a.

b. There are no provisions for administrators for the separate departments of the Trial Courts. Reference Section 5.2.b (state-level administrator).

c. A clerk is appointed by the Governor, with the advice and consent of the Judicial Council (reference Table 29: Judicial councils and conferences), to each division of the Housing Court Department. In practice, the clerks have supervisory duties. There are no formal provisions for assigning administrative duties to the clerks.

[Mass. Gen. Laws Ann., Ch. 185C, §9 (1978); Chief Administrative Justice of the Trial Court]

3.6.b Rule-making. The administrative justice of the Housing Court Department makes general rules and forms of procedure that must be approved by the Supreme Judicial Court or a justice thereof.

[Mass. Gen. Laws Ann., Ch. 185C, §7 (1978)]

3.1.c LAND COURT DEPARTMENT.

The Land Court Department sits in continuous session.

[Mass. Gen. Laws Ann., Ch. 185, §1]

3.2.c Organization. There is one statewide court in the Land Court Department, which sits at Boston, but hearings may be held elsewhere.

[Mass. Gen. Laws Ann., Ch. 185, §1 (1978)]

3.3.c Jurisdiction

a. The Land Court Department has exclusive jurisdiction throughout the state in suits to confirm title to land, foreclosures, writs of entry, validity of encumbrances, the discharging of mortgages, the transferring of interests in real estate, determination of boundaries, and determination of validity of municipal zoning. Its jurisdiction is concurrent with the Superior Court Department and the Supreme Judicial Court in all cases in equity involving right, title, or interest in land.

b. The Land Court Department has no appellate jurisdiction.

[Mass. Gen. Laws Ann., Ch. 185, §1]

3.4.c Justices (3)

a. Reference Section 3.4.1.a.

b. Qualifications of Land Court Department justices are not set by statute. In practice, justices have traditionally been attorneys.

c. All Trial Court justices are selected as indicated in Section 3.4.a.c.

[Chief Administrative Justice of the Trial Court]

3.5.c Administration

a. The position of administrative justice of each department of the Trial Court is described in Section 3.5.a.a.

b. There are no provisions for administrators for the separate departments of the Trial Court. Reference Section 5.2.b (state-level administrator).

c. A recorder is appointed by the Governor with the advice and consent of the Judicial Council (reference Table 29: Judicial councils and conferences) to serve as clerk of the Land Court Department. In practice, the clerk has supervisory duties. There are no formal provisions for assigning administrative duties to the clerk.

[Mass. Gen. Laws Ann., Ch. 185, §6 (1978); Chief Administrative Justice of the Trial Court]

3.6.c Rule-making. From time to time the Land Court makes general rules and forms for procedure, which must be approved by the Supreme Judicial Court or by a justice thereof.

[Mass. Gen. Laws Ann., Ch. 185, §1]

3.1.d PROBATE AND FAMILY COURT DEPARTMENT.

The Probate and Family Court Department sits in continuous session.

[Mass. Gen. Laws Ann., Ch. 215, §158]

3.2.d Organization. The Probate and Family Court Department consists of 14 divisions, one for each county.

[Mass. Gen. Laws Ann., Ch. 215, §1 (1978)]

3.3.d Jurisdiction

a. The Probate and Family Court Department has exclusive jurisdiction in probate of wills, administration of estates, divorce and annulment, appointment of guardians, adoption, and name changes. It has concurrent jurisdiction with the Superior Court Department in equity cases, except for injunctions in labor disputes.

b. The Probate and Family Court Department has no appellate jurisdiction.

[Mass. Gen. Laws Ann., Ch. 215, §§3, 6]

3.4.d Justices (33)

a. Reference Section 3.4.a.a.

b. Qualifications of Probate and Family Court Department justices are not set by statute. In practice, justices have traditionally been attorneys.

c. All Trial Court justices are selected as indicated in Section 3.4.a.c.

[Chief Administrative Justice of the Trial Court]

3.5.d Administration

a. The position of administrative justice of each department of the Trial Court is described in Section 3.5.a.a.

b. There are no provisions for administrators for the separate departments of the Trial Court. Reference Section 5.2.b (state-level administrator).

c. In each county a register is elected to serve a 6-year term in the Proate and Family Court Department. The register has responsibility for the following duties: caring for and having custody of all books, documents, and papers pertaining to his court, deposited with the records of insolvency, or filed in the registry of probate; supplying county officials with appropriate documents; and accounting for and paying over to the state treasurer all fees and compensation that have been received by him other than salary. He is also responsible for issuing all processes and all warrants, letters, and licenses necessary to carry into effect any order, judgment, or decree of the court. In addition, he has responsibility for receiving or placing on file complaints, petitions, and applications to the Probate Court or the court of insolvency and issuing orders of notice, summonses, and citations, if required. He is responsible for other duties as required by law or prescribed by the judge.

[Mass. Gen. Laws Ann., Ch. 54, §156, Ch. 217, §4, 13, 15, 16, 18, 19, 20, 21, 22]

3.6.d Rule-making. The judges of the department prescribe forms and make rules for regulating the practice and conducting the business in their courts. The Supreme Judicial Court may alter and amend or make other rules and forms for the courts as it considers necessary.

[Mass. Gen. Laws Ann., Ch. 215, §30]

3.1.e BOSTON MUNICIPAL COURT DEPARTMENT. The Boston Municipal Court Department sits in continuous session.

[Mass. Gen. Laws Ann., Ch. 218, §38]

3.2.e Organization. There is one court in the Boston Municipal Court Department. The administrative justice designates at least one division of the court for the purpose of hearing appeals to a jury of six.

[Mass. Gen. Laws Ann., Ch. 218, §§27A, 50 (1978)]

3.3.e Jurisdiction

a. The Boston Municipal Court Department has criminal jurisdiction concurrent with the Superior Court Department in statutorily specified offenses (misdemeanors, municipal ordinance violations, and felonies punishable by less than 5-years imprisonment) committed in its geographical jurisdiction. The Boston Municipal Court Department has jurisdiction in all civil actions in which money damages are sought, if at least one defendant lives or works in Suffolk County.

b. The Boston Municipal Court Department holds jury of six sessions for the purpose of hearing first instance criminal complaints and de novo appeals from the 9 district level courts in Suffolk County. The Appellate Division hears appeals of civil cases previously decided by the department.

[Mass. Gen. Laws Ann., Ch. 218, §§26, 27A, 54]

3.4.e Justices (9)

a. Reference Section 3.4.a.a.

b. Qualifications of Boston Municipal Court Department justices are not set by statute. In practice, justices have traditionally been attorneys.

c. All Trial Court justices are selected as indicated in Section 3.4.a.c.

[Chief Administrative Justice of the Trial Court]

3.5.e Administration

a. The position of administrative justice of each department of the Trial Court is described in Section 3.5.a.a.

b. There are no provisions for administrators for the separate departments of the Trial Court. Reference Section 5.2.b (state-level administrator).

c. Two clerks are appointed by the Governor with the advice and consent of the Judicial Council to the Boston Municipal Court Department. In practice, the clerks have supervisory duties. There are no formal provisions for assigning administrative duties to the clerks.

[Mass. Gen. Laws Ann., Ch. 218, §8; Chief Administrative Justice of the Trial Court]

3.6.e Rule-making. The justices of the department may, subject to the approval of the Supreme Judicial Court, make rules regulating its practice and for conducting its business.

[Mass. Gen. Laws Ann., Ch. 218, §50 (1978)]

3.1.f JUVENILE COURT DEPARTMENT. The Juvenile Court Department sits in continuous sessions.

[Mass. Gen. Laws Ann., Ch. 218, §38]

3.2.f Organization. The department is composed of four divisions, sitting at Boston, Worcester, Springfield, and Bristol.

[Mass. Gen. Laws Ann., Ch. 218, §57 (1978)]

3.3.f Jurisdiction

a. Within their territorial limits, the divisions of the Juvenile Court Department have jurisdiction in cases involving juvenile offenders under age 17; neglected, dependent, or delinquent children; and adults contributing to the delinquency of children.

b. The Juvenile Court Department has no appellate jurisdiction.

[Mass. Gen. Laws Ann., Ch. 218, §60]

3.4.f Justices (7)

a. Reference Section 3.4.a.a.

b. Qualifications of Juvenile Court Department justices are not set by statute. In practice, justices have traditionally been attorneys.

c. All Trial Court justices are selected as indicated in Section 3.4.a.c.

[Chief Administrative Justice of the Trial Court]

3.5.f Administration

a. The position of administrative justice of each department of the Trial Court is described in Section 3.5.a.a.

b. There are no provisions for administrators for the separate departments of the Trial Court. Reference Section 5.2.b (state-level administrator).

c. A clerk is appointed by the Governor, with the advice and consent of the Judicial Council to each division of the Juvenile Court Department. In practice, the clerks have supervisory duties. There are no formal provisions for assigning administrative duties to the clerks.

[Mass. Gen. Laws Ann., Ch. 218, §58 (1978); Chief Administrative Justice of the Trial Court]

3.6.f Rule-making. The administrative justice for the department may provide procedural forms and make general rules in reference to practice and procedure for conducting business in the Juvenile Court Department or in the juvenile sessions of the District Court Department, subject to the approval of the Supreme Judicial Court.

[Mass. Gen. Laws Ann., Ch. 218, §60 (1978)]

3.1.g DISTRICT COURT DEPARTMENT. The District Court Department sits in continuous session.

[Mass. Gen. Laws Ann., Ch. 218, §38]

3.2.g Organization. The District Court Department consists of 69 geographical divisions. The administrative justice for the District Court Department designates at least one division in each county to hear appeals to a jury of six.

[Mass. Gen. Laws Ann., Ch. 218, §§1, 27A (1978)]

3.3.g Jurisdiction

a. The District Court Department has criminal jurisdiction, concurrent with the Superior Court Department, in felonies punishable by imprisonment of not more than 5 years, all misdemeanors except libel, violations of municipal ordinances, and other statutorily defined crimes. It also conducts probable cause hearings, regardless of final jurisdiction. The District Court Department has unlimited civil jurisdiction concurrent with the Superior Court Department, and exclusive juvenile jurisdiction if no separate Juvenile Court Department exists. It hears support cases, municipal code violations, petitions to award compensation to victims of violent crimes, and small claims up to $750.

b. The District Court hears appeals in cases to jury-of-six sessions of criminal defendants previously found guilty in the District Court. It also hears juvenile appeals for jury trial from itself or from the Juvenile Court Department.

[Mass. Gen. Laws Ann., Ch. 111, §127, Ch. 119, §24, 56, Ch. 123, §8, Ch. 218, §§19, 21, 26(1978), 30, Ch. 258A, §2, Ch. 273A]

3.4.g Justices (153)

a. Reference Section 3.4.a.a.

b. Qualifications of District Court justices are not set by statute. In practice, justices have traditionally been attorneys.

c. All Trial Court justices are selected as indicated in Section 3.4.a.c.

[Chief Administrative Justice of the Trial Court]

3.5.g Administration

a. The position of administrative justice of each department of the Trial Court is described in Section 3.5.a.a.

b. There are no provisions for administrators for the separate departments of the Trial Court. Reference Section 5.2.b (state-level administrator).

c. A clerk is appointed by the Governor, with the advice and consent of the Judicial Council to each District Court Department. In practice, the clerks have supervisory duties. There are no formal provisions for assigning administrative duties to the clerks.

[Mass. Gen. Laws Ann., Ch. 218, §8; Chief Administrative Justice of the Trial Court]

3.6.g Rule-making. The administrative justice of the department is responsible for making and promulgating rules of practice and procedure, subject to the approval of the Supreme Judicial Court.

[Mass. Gen. Laws Ann., Ch. 218, §43 (1978)]

Court of Limited or Special Jurisdiction

4.0 There are no courts of limited jurisdiction in Massachusetts. These courts were incorporated in the general jurisdiction court by the passage of the 1978 court reorganization act which created the unified Trial Court.

[Mass. Gen. Laws Ann., Ch. 211B, §1 (1978)]

State-Level Administration

5.1 General administrative authority. The Supreme Judicial Court approves rules and regulations promulgated in the Trial Court. The justices may provide for the holding of conferences of judges and members of the bar. Subject to the superintending power of the Supreme Judicial Court, the Chief Administrative Justice is the administrative head of the Trial Court of the Commonwealth. Reference Section 1.5.a.

[Mass. Gen. Laws Ann., Ch. 185C, §7 (1978), Ch. 211, §3B (1978), Ch. 211A, §13, Ch. 211B, §9 (1978), Ch. 213, §3 (1978), Ch. 215, §30, Ch. 218, §§43, 50, 60 (1978)]

5.2 Office of the Chief Administrative Justice of the Trial Court

a. The office is authorized by statute.

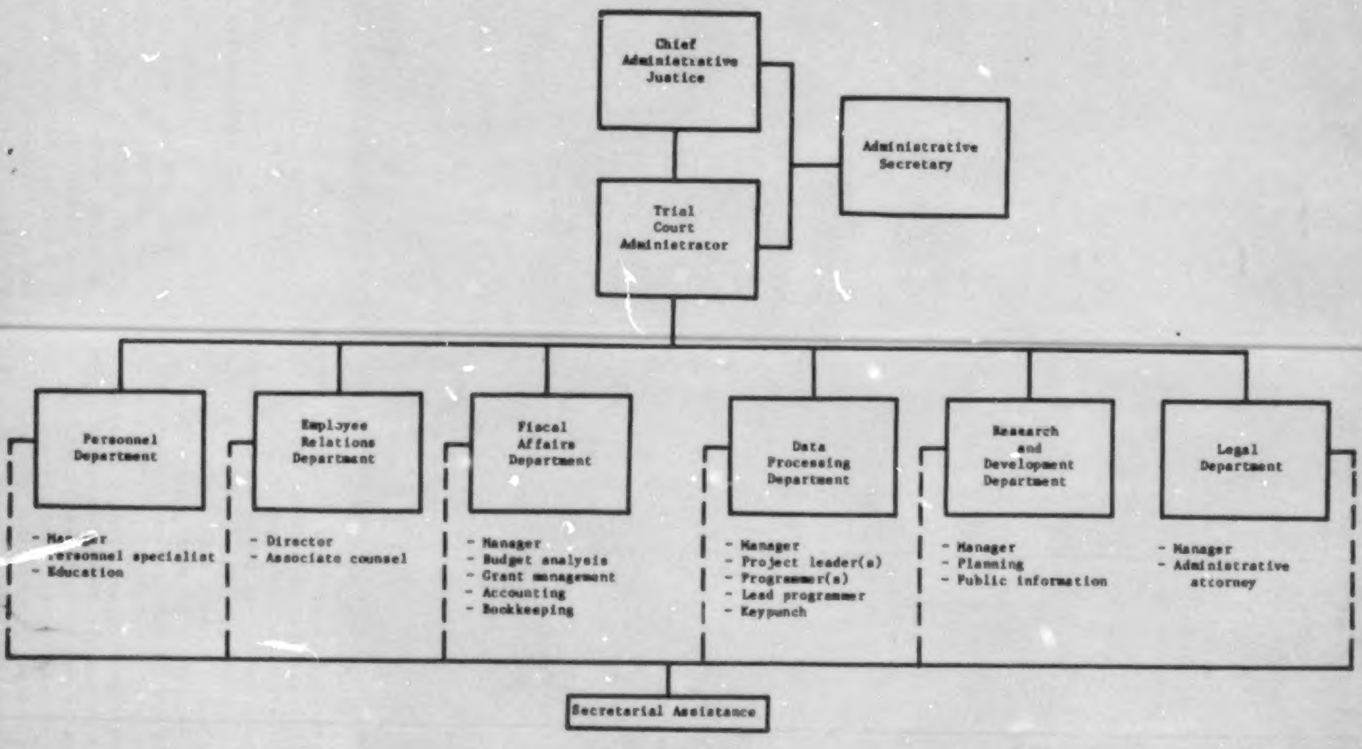
b. Chief Administrative Justice of the Trial Court

(1) The position of Chief Administrative Justice is established by statute.

(2) The Chief Administrative Justice is selected by the Supreme Judicial Court from a list of three justices submitted by the justices in each department. The Chief Administrative Justice must be a justice of one of the departments of the Trial Court. He serves a 7-year term and may not succeed himself.

(3) The Chief Administrative Justice has the following responsibilities: prepare and submit to the Chief Justice of the Supreme Judicial Court the budget for the entire Trial Court; assign justices from one department to another, subject to certain statutory specifications; and investigate reports of noncompliance of Trial Court justices, and, as necessary, reports such justices to the Supreme Judicial Court.

Figure 2: Massachusetts state-level administrative office of the courts, 1980


Chief Administrative Justice
Administrative Secretary
Trial Court Administrator
Personnel Department
Employee Relations Department
Fiscal Affairs Department
Data Processing Department
Research and Development Department
Legal Department
- Manager
- Personnel specialist
- Education
- Director
- Associate counsel
- Manager
- Budget analysis
- Grant management
- Accounting
- Bookkeeping
- Manager
- Project leader(s)
- Programmer(s)
- Lead programmer
- Keypunch
- Manager
- Planning
- Public information
- Manager
- Administrative attorney
Secretarial Assistance

(4) The position of Administrator of Courts was authorized by the 1978 court reorganization act of the legislature. The Court Administrator is appointed by the Chief Administrative Justice with the approval of the Supreme Judicial Court. The Court Administrator performs such duties and responsibilities as the chief administrative justice may designate.

c. Office organization. The Trial Court Administrative Office is divided into six departments and consists of 45 people: 37 professionals (including the Chief Administrative Justice of the Trial Court) and 8 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, and field representation; services of a court officer; payroll, accounting, budgeting, and grant management; education and training; personnel systems and employee relations; legislative, executive, public, and media information, legislative liaison, and executive liaison; and planning and research activities, which include statistical compilation, judicial planning, research, evaluation, statistical analysis, legal services, and legislative drafting.

[Mass. Gen. Laws Ann., Ch. 211B, §§6 (1978), 9 (1978), 11 (1978), 12 (1978); Chief Administrative Justice of the Trial Court]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT DEPARTMENT, PROBATE AND FAMILY COURT DEPARTMENT, HOUSING COURT DEPARTMENT, LAND COURT DEPARTMENT

6.2.1 Masters

a. Masters are appointed by the justice before whom the action is brought. Masters must be members of the bar in good standing and have expertise in the area in which they are appointed.

b. Masters are responsible for the following duties: making findings of fact in matters assigned to them by the justices of the departments; ascertaining any evidence; determining any reasons for disqualification; providing reports on issues, if required; making sure all parties have been joined; checking pleadings to see if they need clarification; meeting with the Judicial Council; setting time and place for hearings and insuring a date is set; and setting rules on matters.

[Chief Administrative Justice of the Trial Court]

6.1.2 HOUSING COURT DEPARTMENT

6.2.2 Housing specialist

a. The first (senior) justice of a division of the Housing Court Department may appoint as many housing specialists as the administrative justice determines. Housing specialists must be knowledgeable in physical structures, landlord-tenant relations, state and federal laws concerning housing, and the financing and resolution of housing problems. The housing specialists serve at the pleasure of the first justice.

b. Housing specialists have powers and duties as prescribed by the first justice of the division.

[Mass. Gen. Laws Ann., Ch. 185C, §16 (1978)]

6.1.3 SUPERIOR COURT DEPARTMENT (CRIMINAL AND CIVIL IN SUFFOLK COUNTY), HOUSING COURT DEPARTMENT, PROBATE AND FAMILY COURT DEPARTMENT, DISTRICT COURT DEPARTMENT, JUVENILE COURT DEPARTMENT, BOSTON MUNICIPAL COURT DEPARTMENT

6.2.3 Magistrate (clerk magistrate)

a. Some clerk-magistrates are elected and some are appointed by the Governor. Clerks of court for the counties, the clerks of the Superior Court Department for criminal and civil business in Suffolk County, clerks of the Housing Court Department, registers of the Probate and Family Court Department, and clerks of District Court, Juvenile Court, and of the Boston Municipal Court Departments also have the title of magistrate for their particular department or division.

b. A magistrate, in addition to his powers and duties as clerk, has the following duties: (1) grants continuances where there is agreement between parties; (2) makes rulings on uncontested nonevidentiary motions; (3) calls pretrial conferences and sets trial dates; (4) mediates small claims disputes; (5) hears complaints for minor motor vehicle offenses; (6) reviews dog complaint orders; and (7) conducts preliminary probation violation hearings. Such duties are subject to allowance by rule of court.

[Mass. Gen. Laws Ann., Ch. 221, §62 (1978)]

6.1.4 PROBATE AND FAMILY COURT DEPARTMENT, JUVENILE COURT DEPARTMENT, AND DISTRICT COURT DEPARTMENT

6.2.4 Guardian ad litem

a. Guardians ad litem are appointed by the court and must be considered suitable for the position.

b. Guardians ad litem act as legal representatives for minors, mentally retarded persons, and persons under a disability, or persons not ascertained or not in being, who may be or may become interested in any real or personal property or in the enforcement or defense of any legal rights as to matters and actions before the court.

[Mass. Gen. Laws Ann., Ch. 201, §34]

6.1.5 SUPERIOR COURT DEPARTMENT

6.2.5 Bail commissioner

a. Bail commissioners are appointed by the Superior Court Department.

b. Bail commissioners determine releases on bail or personal recognizance and are paid on a fee basis.

[Administrative Assistant to the Supreme Judicial Court]

Judicial Discipline

7.1 Commission on Judicial Conduct. The commission consists of nine members selected as follows: three justices, not of the Supreme Judicial Court and no two of whom are from the same department of the Trial Court, appointed by the Supreme Judicial Court; three lawyers, appointed by the Chief Administrative Justice of the Trial Court; and three nonlawyers, appointed by the Governor.

[Mass. Gen. Laws Ann., Ch. 211C, §1 (1978)]

7.2 Authority and procedure for sanction. The commission has authority to investigate complaints about judges concerning willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, or other conduct prejudicial to the administration of justice and bringing the judicial office into disrepute, and conduct that violates the Canons of Judicial Ethics.

The commission is authorized to adopt rules, which must be approved by the Supreme Judicial Court. Subject to these rules, the commission has the power to subpoena witnesses and documents, order depositions to be taken, administer oaths and affirmations, compel testimony, and has any other power necessary to obtain information and conduct hearings. All proceedings are confidential. When the commission finds cause for a hearing, the judge is permitted to present evidence, and subpoena and cross-examine witnesses. Upon completion of the investigation, the commission recommends an appropriate disposition of the matter and forwards its findings to the judge and to the Supreme Judicial Court for its consideration and further action, if any. The commission submits annually to the legislature and the Supreme Judicial Court a report of its activities and recommendations, which become a matter of public record.

[Mass. Gen. Laws Ann., Ch. 211C, §§2 (1978), 4 (1978)]

MICHIGAN

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Lansing and holds four terms a year, the dates of which are set by court rule.

[Michigan Statutes Annotated (hereinafter M.S.A.) §27A.212]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court may issue orders of superintending control when it is necessary to implement its superintending or supervisory control power over the courts of the state. These orders replace the usual writs of certiorari, mandamus, and prohibition.

b. The Supreme Court has appellate jurisdiction over orders of dismissal or discipline of the State Bar Grievance Board, orders of the Judicial Tenure Commission (reference Section 7.1), and all other appeals pending or decided by the Court of Appeals.

[M.S.A. §27A.217; General Court Rules (hereinafter G.C.R.), Rules 711, 851]

1.4 Justices (7)

a. The Chief Justice is elected to a 2-year term by peer vote.

b. Supreme Court justices must be qualified voters who are licensed to practice law and are less than 70 years of age.

c. Supreme Court justices are elected to 8-year terms in nonpartisan general elections. Whenever a vacancy occurs in any court, the Governor appoints a person to serve until the next general election.

[Constitution, Article VI, §§2, 23; M.S.A. §27A.202; G.C.R., Rule 900]

1.5 Administration

a. The Chief Justice is the head of the judicial system. He performs duties required by the Supreme Court, which appoints an Administrator of the Courts and other assistants of the Supreme Court as needed to aid in the administration of the courts of the state. Reference Section 5.1 (General administrative authority).

b. Reference Section 5.2.b (state-level administrator).

c. Every court in the state has the power to appoint a clerk. There are no statutory provisions for assigning duties to these positions. The clerk of the Supreme Court has responsibilities as determined by the court.

[Const., Art. VI, §§3, 7; Michigan Compiled Laws Annotated (hereinafter M.C.L.A.) Section 600.152]

1.6 Rule-making. The Supreme Court is empowered to promulgate rules of practice and procedure for all courts in the state. The Supreme Court also makes administrative rules for other courts.

[Const., Art. VI, §5; State Court Administrator]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The court sits in Lansing, Detroit, Grand Rapids, and Marquette. There are nine terms a year, each beginning on the first Tuesday after the first Monday each month from October to June.

[M.S.A. §27A.311; G.C.R., Rule 800]

2.2 Organization. The Court of Appeals is divided into three geographic districts. Appeals are heard by 3-judge panels, with the judges rotated between panels so that each judge sits with each other judge with equal frequency. A decision of any panel is controlling throughout the state.

[M.S.A. §27A.301 to §27A.314]

2.3 Jurisdiction

a. The Court of Appeals has original jurisdiction to issue prerogative and remedial writs or orders as provided by court rules and also authority to issue any writs, directives, and mandates that it judges necessary and expedient to effectuate its determination of cases.

b. The Court of Appeals has appellate jurisdiction over all final judgments from the Circuit Court and the Court of Claims. The court also has appellate jurisdiction over final judgments of the Recorder's Court of Detroit, except those judgments of the Traffic and Ordinance Division, and over the final orders of the Probate Court dealing with adoptions, trust estate cases, and condemenation cases.

[M.S.A. §§27A.308, 27A.310]

2.4 Judges (18)

a. The chief judge of the Court of Appeals is elected to a 3-year term by his peers. The chief judge designates a presiding judge for each geographic district.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are elected to 6-year terms by the voters of their respective districts at nonpartisan elections.

[Const., Art. VI, §9; G.C.R., Rule 800.7]

2.5 Administration

a. The chief judge and the presiding judges have no statutorily defined duties with regard to the administration of the Court of Appeals.

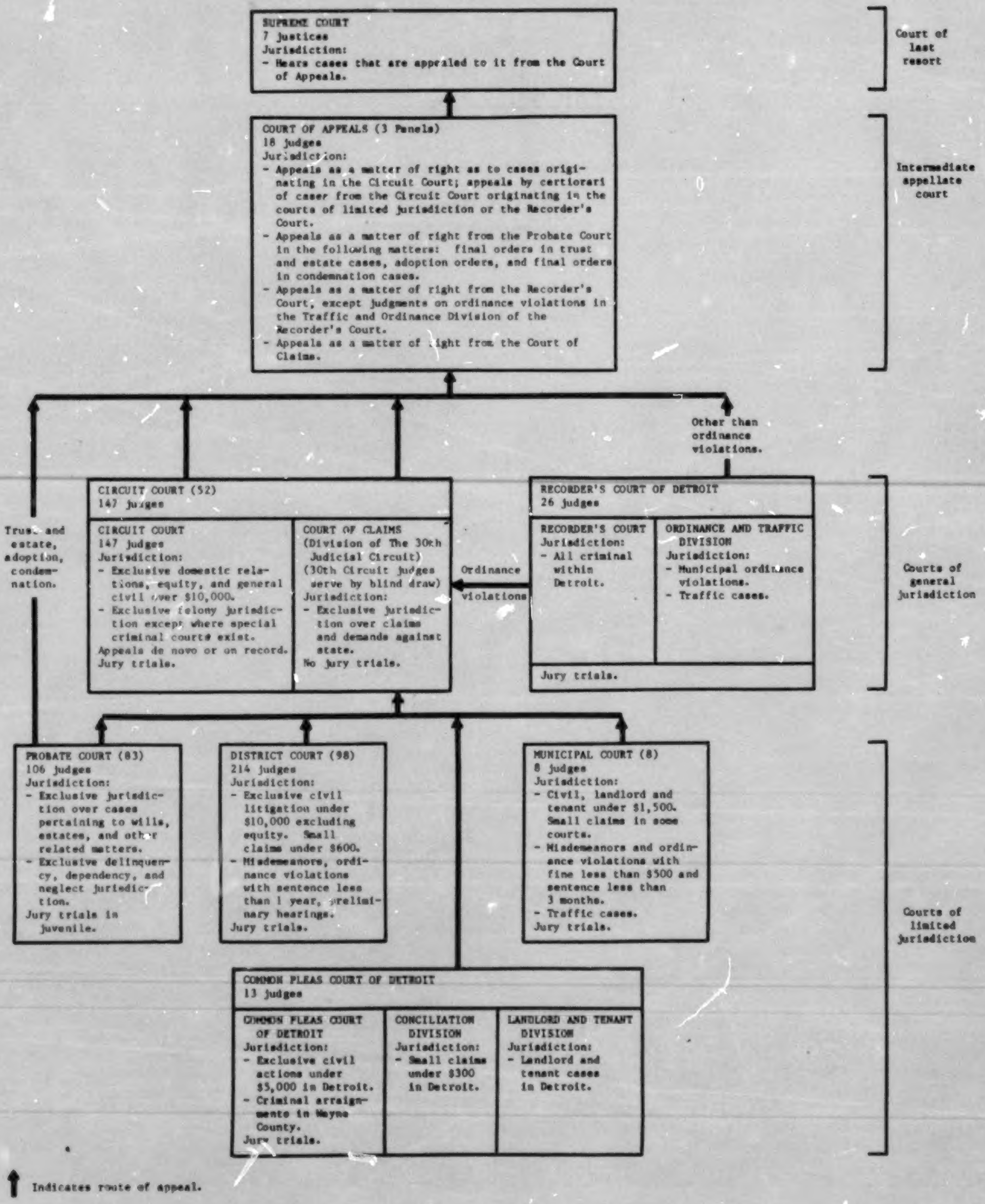
b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. A chief clerk of the Court of Appeals is appointed by the court and serves at its pleasure. He has supervisory duties.

[M.S.A. §27A.317; State Court Administrator]

2.6 Rule-making. Reference Section 1.6.

Figure 1: Michigan court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Hears cases that are appealed to it from the Court of Appeals.
Court of last resort
COURT OF APPEALS (3 Panels)
18 judges
Jurisdiction:
- Appeals as a matter of right as to cases originating in the Circuit Court; appeals by certiorari of cases from the Circuit Court originating in the courts of limited jurisdiction or the Recorder's Court.
- Appeals as a matter of right from the Probate Court in the following matters: final orders in trust and estate cases, adoption orders, and final orders in condemnation cases.
- Appeals as a matter of right from the Recorder's Court, except judgments on ordinance violations in the Traffic and Ordinance Division of the Recorder's Court.
- Appeals as a matter of right from the Court of Claims.
Intermediate appellate court
Other than ordinance violations.
Trust and estate, adoption, condemnation.
CIRCUIT COURT (52)
147 judges
CIRCUIT COURT
147 judges
Jurisdiction:
- Exclusive domestic relations, equity, and general civil over $10,000.
- Exclusive felony jurisdiction except where special criminal courts exist.
Appeals de novo or on record.
Jury trials.
COURT OF CLAIMS
(Division of The 30th Judicial Circuit)
(30th Circuit judges serve by blind draw)
Jurisdiction:
- Exclusive jurisdiction over claims and demands against state.
No jury trials.
Ordinance violations
RECORDER'S COURT OF DETROIT
26 judges
RECORDER'S COURT
Jurisdiction:
- All criminal within Detroit.
ORDINANCE AND TRAFFIC DIVISION
Jurisdiction:
- Municipal ordinance violations.
- Traffic cases.
Jury trials.
Courts of general jurisdiction
PROBATE COURT (83)
106 judges
Jurisdiction:
- Exclusive jurisdiction over cases pertaining to wills, estates, and other related matters.
- Exclusive delinquency, dependency, and neglect jurisdiction.
Jury trials in juvenile.
DISTRICT COURT (98)
214 judges
Jurisdiction:
- Exclusive civil litigation under $10,000 excluding equity. Small claims under $600.
- Misdemeanors, ordinance violations with sentence less than 1 year, preliminary hearings.
Jury trials.
MUNICIPAL COURT (8)
8 judges
Jurisdiction:
- Civil, landlord and tenant under $1,500. Small claims in some courts.
- Misdemeanors and ordinance violations with fine less than $500 and sentence less than 3 months.
- Traffic cases.
Jury trials.
COMMON PLEAS COURT OF DETROIT
13 judges
COMMON PLEAS COURT OF DETROIT
Jurisdiction:
- Exclusive civil actions under $5,000 in Detroit.
- Criminal arraignments in Wayne County.
Jury trials.
CONCILIATION DIVISION
Jurisdiction:
- Small claims under $300 in Detroit.
LANDLORD AND TENANT DIVISION
Jurisdiction:
- Landlord and tenant cases in Detroit.
Courts of limited jurisdiction
Indicates route of appeal.

Courts of General Jurisdiction

3.1.1a CIRCUIT COURT. Sessions of court are held at least four times a year in each county organized for judicial purposes.
[Const., Art. VI, §11]

3.2.1a Organization. The state is divided into 52 judicial circuits, which encompass 1 to 4 counties each. The Court of Claims is a division of the 30th Judicial Circuit (reference section 3.1.1b).
[State Court Administrator]

3.3.1a Jurisdiction

a. The Circuit Court exercises exclusive original jurisdiction in felony cases except where a special criminal court has been created. It exercises exclusive civil jurisdiction in domestic relations, equity, and general civil cases where the amount in controversy exceeds $10,000. The Wayne County Circuit Court exercises concurrent jurisdiction with the Common Pleas Court of Detroit in civil matters where the amount in controversy is between $5,000 and $10,000.

b. The Circuit Court hears appeals from final judgments from District, Probate, and Common Pleas Courts, and from the Traffic and Ordinance Division of the Recorder's Court. Appeals from the Municipal Court are tried de novo.
[Const., Art. VI, §13; National Survey of Court Organization, pp. 159-160]

3.4.1a Judges (147)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. In circuits with two or more judges, the chief judge is elected to a 2-year term by peer vote.

b. Circuit Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Circuit Court judges are elected to 6-year terms by the voters of their respective circuits in nonpartisan elections.
[Const., Art. VI, §12; G.C.R., Rule 925]

3.5.1a Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, circuits with two or more judges have chief judges. The chief judges of the trial courts have the following responsibilities: call meetings of the court, appoint committees, supervise caseload management, coordinate the work of judges, supervise court personnel, assign cases, and supervise court finances.

b. There is no provision for an administrator over all the circuits of the Circuit Court. Any Circuit Court with 20 or more judges can recommend a court administrator for its court. At present, 16 circuits have appointed administrators. The administrator is appointed and removed by the Governor on the recommendation of the court. Duties of the court administrators are locally determined.

c. Elected county clerks serve as Circuit Court clerks. There are no formal provisions for assigning duties to the clerks. In practice, they perform supervisory duties.
[Const., Art. VI, §14; M.S.A. §27A.567; G.C.R., Rules 925, 926; State Court Administrator]

3.6.1a Rule-making. Reference Section 1.6.

3.1.1b COURT OF CLAIMS. The Court of Claims is a division of the 30th Judicial Circuit. It sits in Lansing for four terms per calendar year.
[M.S.A. §27A.6407]

3.2.1b Organization. The geographical jurisdiction of the Court of Claims is statewide. There are no specialized divisions of the court.
[M.S.A. §27A.6419]

3.3.1b Jurisdiction

a. The Court of Claims has exclusive jurisdiction over all claims and demands against the state.

b. The Court of Claims has no appellate jurisdiction over cases from other courts. It hears appeals of administrative agency cases.
[M.S.A. §27A.6404]

3.4.1b Judges (Circuit Court judges of the 30th Judicial Circuit Court serve by blind draw when the Court of Claims is in session.)

a. The Court of Claims does not have a presiding judge.

b. Reference 3.4.1a.b.

c. Reference 3.4.1a.c.
[M.S.A. §27A.6407]

3.5.1b Administration

a. There is no provision for a chief judge for the Court of Claims.

b. There is no provision for an administrator for the Court of Claims. Reference Section 5.2.b (state-level administrator).

c. The State Court Administrator appoints and removes the clerk/stenographer of the Court of Claims. He has responsibilities as determined by the court.
[M.S.A. §27A.6410]

3.6.1b Rule-making. Reference Section 1.6.

3.1.2 RECORDER'S COURT OF DETROIT. According to statute the Recorder's Court meets for six terms per calendar year, beginning on the first Wednesday of January, March, May, July, September, and November. The terms last as long as necessary. In practice, the court sits in continuous session.
[M.S.A. §27.3573; State Court Administrator]

3.2.2 Organization. The Recorder's Court has geographic jurisdiction within the city limits of Detroit. The court has a special Traffic and Ordinance Division.
[M.S.A., §27.3561]

3.3.2 Jurisdiction

a. The Recorder's Court has original jurisdiction over all criminal cases arising within the city limits of Detroit. The Recorder's Court can also hear applications for writs of habeas corpus.

Its Traffic and Ordinance Division has exclusive original jurisdiction in all traffic and ordinance violations.

b. The Recorder's Court has no appellate jurisdiction.
[M.S.A. §§27.3551, 27.3561; National Survey of Court Organization, p. 160]

3.4.2 Judges (26)

a. The chief judge of the Recorder's Court is elected by his peers.

b. Recorder's Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Recorder's Court judges are elected to 6-year terms in nonpartisan elections.
[M.S.A. §§27.3554, 27.3652; G.C.R., Rule 925]

3.5.2 Administration

a. Reference Section 3.5.1a.a.

b. Judges of the Recorder's Court are empowered to appoint a court administrator. The duties of the administrator are prescribed by the court.

c. The Recorder's Court is empowered to appoint a court clerk as required and within budgetary limits. There are no formal provisions for assigning administrative duties to the clerk. In practice, he performs supervisory duties.

[M.S.A. §27A.6410; State Court Administrator]

3.6.2 Rule-making. Reference Section 1.6.

Court of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. The District Court sits in continuous session.

[State Court Administrator]

4.2.1 Organization. The state is divided into 98 judicial districts, which may encompass one or more cities, a county, or several counties. Some districts have split into formal or informal divisions and sit in various locations within the district.

[State Court Administrator]

4.3.1 Jurisdiction

a. The District Court has jurisdiction in misdemeanor cases where the possible penalty does not exceed a fine and/or 1 year of imprisonment; ordinance and charter violations; arraignments, the fixing of bail and accepting of bonds; and preliminary examinations in all felony and misdemeanor cases not cognizable by the District Court. The District Court has exclusive original jurisdiction in all civil litigation up to $10,000 in controversy, excluding equity cases. In districts where Traffic Bureaus have been established, court clerks are authorized to accept guilty pleas and fines for minor traffic offenses. Small claims jurisdiction is limited to cases involving $600 or less.

b. The District Court has no appellate jurisdiction.

[State Court Administrator]

4.4.1 Judges (214)

a. In the 60 District Courts with two or more judges, chief judges are elected by peer vote.

b. District Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. District Court judges are elected to 6-year terms in nonpartisan elections.

[M.S.A. §27A.9926(1); G.C.R., Rule 925]

4.5.1 Administration

a. Reference Section 3.5.1a.a.

b. Trial court administrators may be hired by the District Court. They serve at the pleasure of the court and perform such duties as assigned. Reference Section 5.2.b (state-level administrator).

c. The District Court is empowered to hire clerks within budgetary restraints. There are no formal provisions for assigning administrative duties to the clerks. In practice, they perform supervisory duties.

[M.S.A. §24A.6410; State Court Administrator]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 PROBATE COURT. The Probate Court sits in continuous session.

[M.S.A. §27.3178(30)]

4.2.2 Organization. A Probate Court sits in each county organized for judicial purposes. The legislature can create or alter Probate Court districts of more than one county if approved in each county by a majority of the voters. When hearing juvenile cases, the Probate Court is known as the Juvenile Division of the Probate Court.

[Const., Art. VI, §15; M.S.A. §27A.8202]

4.3.2 Jurisdiction

a. The Probate Court has exclusive original jurisdiction in all cases pertaining to wills, estates, mental health, and other related matters. The court also has exclusive original jurisdiction in cases concerning delinquency, dependency, and neglect.

b. The Probate Court has no appellate jurisdiction.

[M.S.A. §27.3178 (19)]

4.4.2 Judges (106)

a. In a Probate Court with two or more judges, chief judges are elected to 2-year terms by peer vote.

b. Probate Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Probate Court judges are elected to 6-year terms in nonpartisan elections.

[Const., Art. VI, §16; G.C.R., Rule 925]

4.5.2 Administration

a. Reference Section 3.5.1a.a.

b. Administrators are hired for the Juvenile Divisions of the larger Probate Courts.

c. In most Probate Courts, the register performs administrative and supervisory duties.

[State Court Administrator]

4.6.2 Rule-making. Reference Section 1.6.

4.1.3 MUNICIPAL COURT. The Municipal Court sits in continuous session.

[State Court Administrator]

4.2.3 Organization. The 8 existing Municipal Courts are located in 2 counties. Each municipality and county has the option of maintaining a Municipal Court or replacing it with a District Court. Some Municipal Courts have Conciliation Divisions.

[State Court Administrator]

4.3.3 Jurisdiction

a. The Municipal Court has jurisdiction in felony preliminaries, misdemeanors involving a fine or imprisonment of less than 1 year or both, and traffic ordinance cases. The court also hears general civil and landlord-tenant cases with less than $1,500 in controversy.

b. The Municipal Court has no appellate jurisdiction.

[M.S.A. §§27.3937, 27.4101]

4.4.3 Judges (8)

a. In a Municipal Court with two or more judges, chief judges are elected by peer vote.

b. Municipal Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Municipal Court judges are elected to 4 or 6-year terms in nonpartisan elections.

[M.S.A. §§27.3752, 27.3834; G.C.R., Rule 925]

4.5.3 Administration

a. Reference Section 3.5.1a.a.

b. Trial court administrators may be appointed by the courts to serve at their pleasure and perform such duties as may be assigned to that position. Reference Section 5.2.b (state-level administrator).

c. A Municipal Court is empowered to appoint a clerk if budgetarily feasible. There are no formal provisions for assigning administrative duties to the clerks. In practice, the clerks perform supervisory duties.

[M.S.A. §27A.6410; State Court Administrator]

4.6.3 Rule-making. Reference Section 1.6.

4.1.4 COMMON PLEAS COURT OF DETROIT.

The Common Pleas Court of Detroit sits in continuous session.

[State Court Administrator]

4.2.4 Organization. The Common Pleas Court of Detroit has countywide jurisdiction. The court has a Small Claims Division and a Landlord-Tenant Division.

[National Survey of Court Organization, pp. 160-162; Manual for Court Administration, §200, p. 302]

4.3.4 Jurisdiction

a. The Common Pleas Court of Detroit has jurisdiction in civil cases where the amount in controversy does not exceed $10,000.

The Conciliation Division handles controversies involving $600 or less.

b. The Common Pleas Court of Detroit has no appellate jurisdiction.

[State Court Administrator]

4.4.4 Judges (13)

a. The chief judge of the Common Pleas Court is chosen by peer vote.

b. Common Pleas Court of Detroit judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Common Pleas Court of Detroit judges are elected to 6-year terms in nonpartisan elections.

[M.S.A. §27.3652; G.C.R., Rule 925]

4.5.4 Administration

a. Reference Section 3.5.1a.a.

b. Trial court administrators may be appointed to serve at the pleasure of the courts and to perform such duties as assigned by the court. Reference Section 5.2.b (state-level administrator).

c. Clerks and deputies may be appointed by the court as the budget allows. There are no formal provisions for assigning administrative duties to the clerks. In practice, the clerks perform supervisory duties.

[M.S.A. §27A.6410; State Court Administrator]

4.6.4 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice of the Supreme Court has been designated as the head of the judicial system of the state. The Supreme Court, through the Chief Justice, may direct judges of one court to serve on another, may reassign auxilliary court personnel on an emergency basis, controls budget preparation and administration, and supervises judicial continuing education programs. Reference Section 1.5.a.

[Const., Art. VI, §7; M.S.A. §27A.152; National Survey of Court Organization, p. 159]

5.2 Office of the State Court Administrator

a. The Office of the State Court Administrator is constitutionally authorized.

b. State Court Administrator

(1) The position of State Court Administrator is constitutionally authorized.

(2) The State Court Administrator is appointed by the Supreme Court and serves at its pleasure. Qualifications include a college degree and supervisory, administrative, and/or management experience with a court system.

(3) The State Court Administrator, under the supervision and direction of the Supreme Court, prepares and submits the budget for the court system. The State Court Administrator's office is responsible for management of the judicial continuing education program, long-range planning, collection of statistical information, and administration of the nonjudicial personnel system. The State Court Administrator serves as liaison between the court system and other branches of government.

c. Office organization. The Office of the State Court Administrator consists of a staff of approximately 112 people: 72 professionals (including the State Court Administrator) and 40 clerical personnel. The office provides support services in the following areas: information systems, court support services; finance and budget; education and training; personnel; and public information and liaison.

Const., Art. VI, §3; M.S.A. §27A.567; M.C.L.A. §600.567; G.C.R., Rules 901, 906; State Court Administrators, pp. 60-61; State Court Administrator]

Quasi-Judicial Officers

6.1.1 SUPREME COURT

6.2.1 Commissioner

a. Supreme Court commissioners are appointed by the court according to internally developed procedures. Commissioners must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

b. Supreme Court commissioners prepare written reports and recommendations on applications for discretionary appeals.

[Workshop for New Judges and Staff]

6.1.2 COURT OF APPEALS

6.2.2 Commissioner

a. Court of Appeals commissioners are selected by the court according to internally developed procedures. They must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

b. Court of Appeals commissioners prepare written reports and recommendations on applications for discretionary appeals.

[Workshop for New Judges and Staff]

6.1.3 RECORDER'S COURT OF DETROIT

6.2.3 Referee

a. Referees are selected by the court from a civil service register. Qualifications of referees are determined by the court

b. Referees may administer oaths, examine witnesses, and make reports and recommendations in those misdemeanor cases under state law or municipal ordinance that are referred to them by the judges of the Traffic and Ordinance Division of the court.

[M.S.A. §27.3959]

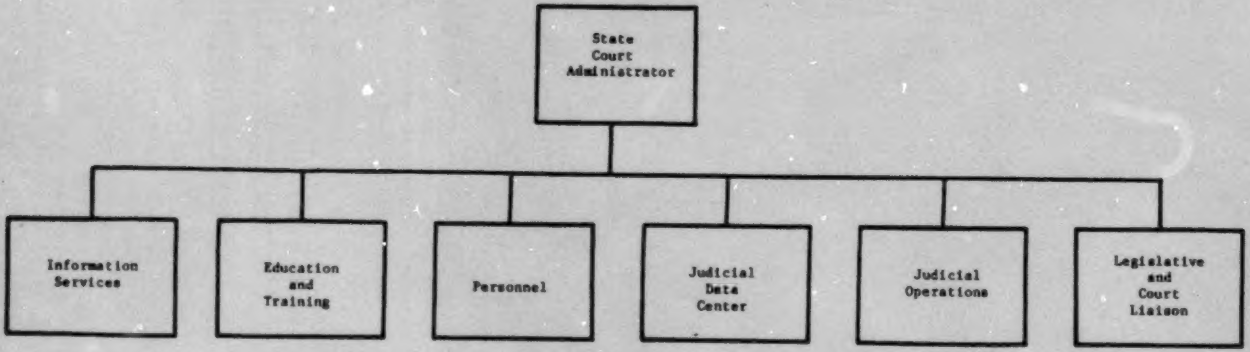
6.1.4 DISTRICT COURT

6.2.4 Magistrate

a. Magistrates are appointed by the court, subject to confirmation by the County Board of Commissioners. Qualifications are locally determined by the appointing court.

b. As authorized by the District Court judge, magistrates may arraign and sentence individuals who plead guilty to violations of specified public acts if the maximum punishment does not exceed 90 days in jail or fine or both; issue arrest warrants; fix bail and set bond; and issue search warrants.

Figure 2: Michigan state-level administrative office of the courts, 1980



Information Services	Education and Training	Personnel	Judicial Data Center	Judicial Operations	Legislative and Court Liaison
- Provides information to the media, governmental agencies, local courts and citizens - Publishes annual report - Coordinates forms committees with various judges, and administrative groups - Coordinates other special projects	- Assesses continuing education needs of Michigan's judges and court personnel - Plans and coordinates educational programs - Develops and distributes resources and publications to supplement programs - Assesses participation, impact and quality of programs - Maintains communication with other judicial education organizations nationwide	- Develops and administers SCAO personnel program - Provides personnel consulting service to trial courts - Develops projects to assist trial courts with personnel programs and provide the basis for a future statewide system	- Develops and implements computer assisted applications to appellate and trial courts - Provides assistance to local courts using modern technology programs	- Supervises and coordinates regional programs - Develops techniques to insure statewide compliance with court rules - Serves as probate court specialist for the SCAO - Investigates and responds to complaints against judges and court personnel - Provides liaison with Attorney General's office to arrange legal representation of judges - Provides information and assistance to judges, courts, and administrators, state officers, local courts, and citizens	- Circuit and District Court specialities - Provides information to judges and courts, local government, state legislators, and staff - Informs judges of new legislation affecting courts - Works with regional administrators on specific local court problems. - Makes recommendations to State Court Administrator on budget judgeship needs - Provides liaison between SCAO and various state, regional, and national organizations

[M.S.A. §§27A.8501, 27A.8511]

6.1.5 PROBATE COURT

6.2.5 Register

a. Registers are appointed by the court. Qualifications are locally determined by the court.

b. As authorized by the Probate Court judge, registers may, by statute, perform all the nonjudicial duties of that judge. In general, they administer oaths, take testimony, and prepare written reports to the judge. They also set the time and place for hearings and sign the related orders.

[M.S.A §§27.3178 (12), 27.3178 (598.10)]

Judicial Discipline

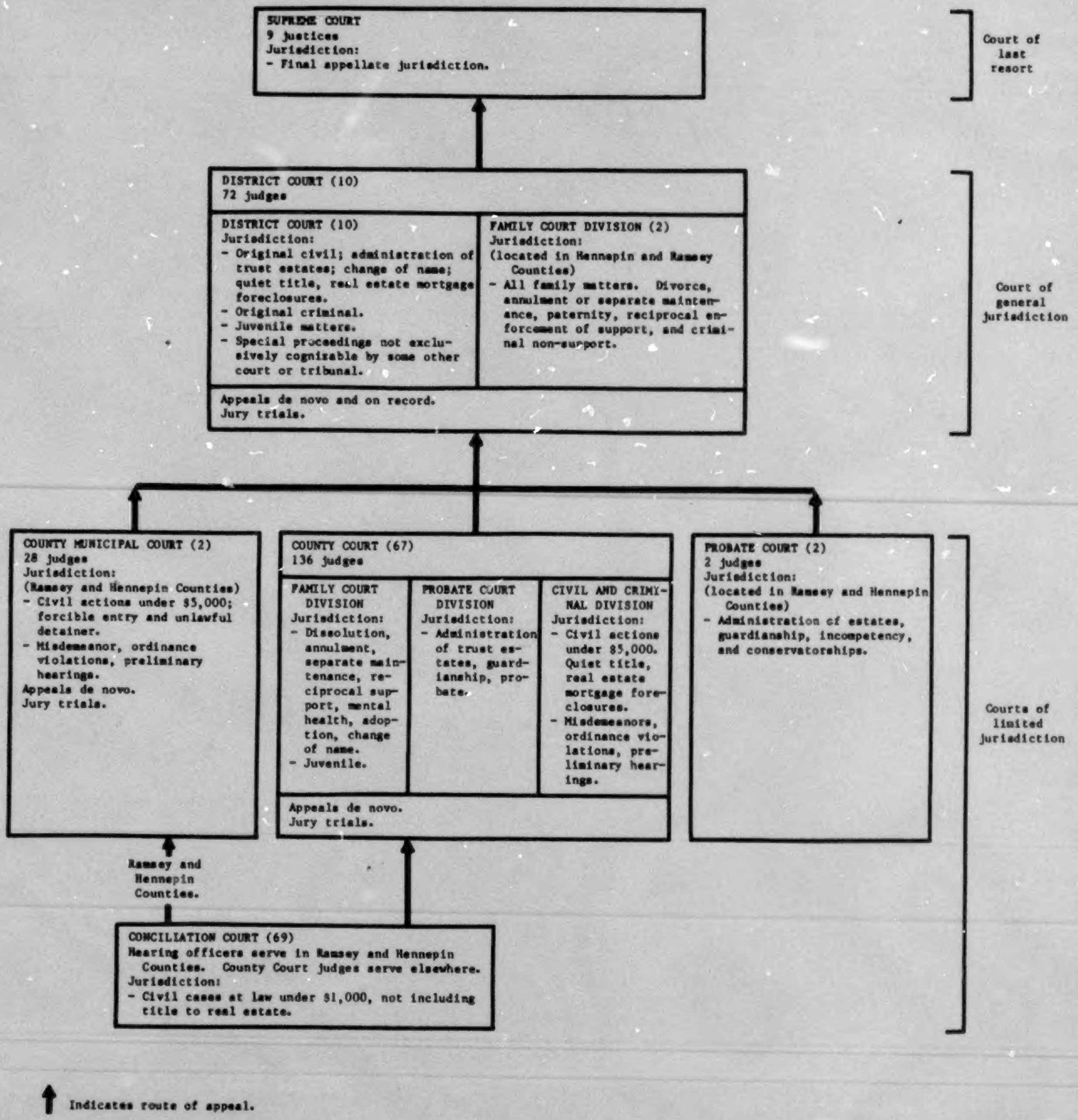
7.1 Judicial Tenure Commission. The commission is composed of nine members, which include the following: one judge each from the Court of Appeals, Circuit Court, and Probate Court, selected by the respective court; one judge representing and selected by the remaining courts of the state; three members of the state bar, elected by its membership, one of whom is a judge; and two persons appointed by the Governor who are not judges, retired judges, or members of the bar.

[Const., Art. VI, §30]

7.2 Authority and procedure for sanction. The Commission is responsible for receiving and acknowledging all complaints against judges. It may also initiate an investigation on its own motion or at the request of the Chief Justice or the State Court Administrator. All preliminary investigations are confidential. Upon completion of the preliminary investigation and if so warranted, a formal complaint is filed, entered on a docket, and thereby becomes a public record. If the preliminary investigation reveals insufficient cause for action, the commission terminates its investigation. Before filing a complaint or recommending private censure, the commission gives written notice to the judge of the nature of the charges. The judge is then given an opportunity to present his case in writing within 15 days. The public hearing can be held before the entire commission or before a master appointed by the Supreme Court. The hearing conforms as nearly as possible to the rules of procedure and evidence governing civil actions in a Circuit Court. The judge is entitled to be represented by counsel. A record of the hearing is kept. The commission may subpoena witnesses and evidence. No discovery proceedings are held at the request of the respondent, either before or after the filing of the complaint. An affirmative vote of five commission members is required for a recommendation of discipline, removal, retirement, or suspension of a judge. Lack of such votes requires dismissal of the complaint. If five votes are obtained, the commission forwards written findings of fact and its recommendation to the Supreme Court. A copy of the findings, recommendations, and transcript are also forwarded to the respondent. He may petition the court within 30 days to reject or modify the recommendations. The court in its discretion may also allow at that time the introduction of additional evidence. After its review, the Supreme Court files a written opinion and judgment directing censure, removal, retirement, suspension, or other disciplinary action or it may reject or modify the recommendations of the commission. In its decision, the court may direct that no motion for rehearing will be entertained, in which event its decision is final on filing.

[G.C.R., Rule 932]

Figure 1: Minnesota court system, 1980



SUPREME COURT
9 justices
Jurisdiction:
- Final appellate jurisdiction.

DISTRICT COURT (10)
72 judges

DISTRICT COURT (10)
Jurisdiction:
- Original civil; administration of trust estates; change of name; quiet title, real estate mortgage foreclosures.
- Original criminal.
- Juvenile matters.
- Special proceedings not exclusively cognizable by some other court or tribunal.

FAMILY COURT DIVISION (2)
Jurisdiction:
(located in Hennepin and Ramsey Counties)
- All family matters. Divorce, annulment or separate maintenance, paternity, reciprocal enforcement of support, and criminal non-support.

Appeals de novo and on record.
Jury trials.

COUNTY MUNICIPAL COURT (2)
28 judges
Jurisdiction:
(Ramsey and Hennepin Counties)
- Civil actions under $5,000; forcible entry and unlawful detainer.
- Misdemeanor, ordinance violations, preliminary hearings.
Appeals de novo.
Jury trials.

COUNTY COURT (67)
136 judges

FAMILY COURT DIVISION
Jurisdiction:
- Dissolution, annulment, separate maintenance, reciprocal support, mental health, adoption, change of name.
- Juvenile.

PROBATE COURT DIVISION
Jurisdiction:
- Administration of trust estates, guardianship, probate.

CIVIL AND CRIMINAL DIVISION
Jurisdiction:
- Civil actions under $5,000. Quiet title, real estate mortgage foreclosures.
- Misdemeanors, ordinance violations, preliminary hearings.

Appeals de novo.
Jury trials.

PROBATE COURT (2)
2 judges
Jurisdiction:
(located in Ramsey and Hennepin Counties)
- Administration of estates, guardianship, incompetency, and conservatorships.

CONCILIATION COURT (69)
Hearing officers serve in Ramsey and Hennepin Counties. County Court judges serve elsewhere.
Jurisdiction:
- Civil cases at law under $1,000, not including title to real estate.

Court of last resort
Court of general jurisdiction
Courts of limited jurisdiction
Ramsey and Hennepin Counties.
Indicates route of appeal.

MINNESOTA

Court of Last Resort

1.1 SUPREME COURT. The court sits at St. Paul for at least one term of court annually.

[Minnesota Statutes (hereinafter M.S.) Section 480.01]

1.2 Organization. The Chief Justice assigns three or more members of the court to sit as a division of the court to hear and decide cases as assigned. The Chief Justice may appoint a panel or panels of members of the court to review pending cases for disposition. There are no specialized divisions of the court.

[Minnesota Rules of Civil Appellate Procedure (hereinafter Minn. R. App. P.) 135(1), 135(4)]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in remedial cases as prescribed by law. The law grants power to the court to issue all necessary writs and processes. The court may also answer questions of law certified to it by the United States Supreme Court, or any federal court. The court prescribes rules of practice for attorneys in the state, conducts the examination for admission to the bar, and reviews grievance complaints against attorneys.

b. The Supreme Court has appellate jurisdiction in all cases, but no jury trials are given in the court.

[Constitution, Article VI, Section 2; M.S. §§480.04, 480.05, 480.061]

1.4 Justices (9)

a. The Chief Justice is elected at a nonpartisan election and serves a 6-year term.

b. Supreme Court justices must be learned in the law.

c. Supreme Court justices are elected and each justice is deemed to hold a separate nonpartisan office. Supreme Court justices serve 6-year terms. When a vacancy occurs, the Governor appoints a person to serve as justice until the next general election occurring more than 1 year after the appointment.

[Const., Art. VI, §§5, 7, 8; M.S. §203A.12]

1.5 Administration

a. The Chief Justice exercises administration and supervision over the entire court system through the State Court Administrator, the chief judges of the 10 judicial districts, the district administrators, and the Ramsey County Municipal Court administrator. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specifically articulated duties in regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The position of clerk of the Supreme Court is authorized by the constitution. The clerk is appointed by the Supreme Court and serves at the pleasure of the court. There are no formal provisions for assigning administrative duties to the clerk. He supervises his clerical support staff and has responsibilities as determined by the court.

[Const., Art. VI, §1; State Court Administrator]

1.6 Rule-making. The Supreme Court is empowered to regulate the pleadings, practice, procedure, and forms thereof in all criminal actions in all courts and in civil actions in all courts except the Probate Courts and the Conciliation Court in Hennepin and Ramsey Counties. The Supreme Court promulgates all rules of evidence in all criminal and civil actions. The court makes administrative rules for its own operations. Before rules are adopted by the Supreme Court, an advisory committee is consulted in considering and preparing rules.

[M.S. §§480.051, 480.053, 480.059; State Court Administrator]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Minnesota.

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court sits in continuous session.

[M.S. §484.08]

3.2 Organization. The state is divided into 10 judicial districts, as determined by the legislature, some of which have permanent chambers as designated by statute. The Second and Fourth Judicial Districts have Family Court Divisions.

[M.S. §§2.722, 484.64, 484.65]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all criminal and civil actions within its respective districts, and in all cases where jurisdiction is especially conferred upon the District Court by law. The court has concurrent jurisdiction with the County Court in cases pursuant to M.S. §487.19 (reference Section 4.3.2.a.). In Hennepin and Ramsey Counties, the District Court has juvenile jurisdiction.

In the Second District, the Family Court Division has been created and has jurisdiction in all matters involving divorce, annulment, separate maintenance, paternity, and support. In the Fourth District, the Family Court Division has been created and has jurisdiction in all family matters assigned to it.

b. The District Court has appellate jurisdiction in every case in which an appeal is allowed from any other court.

[M.S. §§260.02, 484.01, 484.64, 486.65; State Court Administrator]

3.4 Judges (72)

a. There is no provision for a chief judge over all the districts of the District Court. The chief judge for each district is elected annually to a 2-year term by the judges of all courts within the judicial district. Until July 1, 1981, the chief judge must be a judge of the District Court. After July 1981, the chief judge may be a judge of the District, County, County Municipal, or Probate Court.

b. District Court judges must be learned in the law. Each judge must be a resident of the district in which he serves during his term of office.

c. District Court judges are elected by the voters from the areas they serve. They serve 6-year terms.

[Const., Art. VI, §§4, 5, 7; M.S. §§484.34, 484.69]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, each of the 10 judicial districts has a chief judge. The chief judge exercises general administrative authority over the courts within the judicial district. He may assign judges within the district to serve in any court in the district. The chief judge appoints the district administrator with the advice of the other judges of the district, subject to the approval of the Supreme Court.

b. There is no provision for an administrator over all the districts of the District Court. Each of the 10 judicial districts, however, is authorized to have a district administrator. The district administrator is appointed by the chief judge, subject to the approval of the Supreme Court, with the advice of the judges of the district. His duties include assisting the chief judge in the performance of administrative duties, managing the administrative affairs of the courts of the judicial district, supervising court personnel, and complying with requests of the State Court Administrator for statistical and other information.

c. Clerks are authorized by statute. The clerks are appointed by a majority of District Court judges in the district after consultation with the County Court judges in the district. There are no formal provisions for assigning administrative duties to the clerks. They supervise their clerical support staff and have responsibilities as determined by their respective courts.

[M.S. §§2.722, 484.67, §484.67, Subdivision 3, §485.01; State Court Administrator]

3.6 Rule-making. The Supreme Court is empowered to regulate pleadings, practice, and procedure. The judges of the District Court must assemble annually and may revise and amend any rules.

[M.S. §§180.05, 480.09, 484.33]

Courts of Limited or Special Jurisdiction

4.1.1 PROBATE COURT. The Probate Court of Hennepin County and the Probate Court of Ramsey County sit in continuous session.

[State Court Administrator]

4.2.1 Organization. There are two Probate Courts, one in Hennepin County and the other in Ramsey County. The County Court has absorbed all probate jurisdiction elsewhere in the state. There are no specialized divisions of the court.

[M.S. §487.01]

4.3.1 Jurisdiction

a. The Probate Court has original jurisdiction in law and equity for the administration of the estates of deceased persons, and all guardianship and incompetency proceedings are granted to the Probate Court. It also has jurisdiction over the administration of trust estates and determination of taxes contingent upon death as provided by law.

b. The Probate Court has no appellate jurisdiction.

[Const., Art. VI, §11]

4.4.1 Judges (2)

a. The Probate Court does not have presiding judges. Chief district judges have authority over all courts in the district. Reference Section 3.4.a.

b. Probate Court judges must be lawyers.

c. Probate Court judges are elected in county elections. They serve 6-year terms.

[M.S. §§202.04, 525.04]

4.5.1 Administration

a. The chief district judge serves as the chief judge of the Probate Court. Reference Section 3.5.a.

b. The district administrator serves as the administrator for the Probate Court. Reference Section 3.5.b.

c. Clerks are appointed by the judges of the Probate Court and are responsible for the destruction of documents as enumerated in M.S. §525.091, and for the issuance of orders under the direction of the probate judges.

[M.S. §525.09]

4.6.1 Rule-making. Practice and procedure for the courts are governed by statute, and by Probate Court rules promulgated by the probate judges.

[M.S. §525.014]

4.1.2 COUNTY COURT. The court sits in continuous session.

[M.S. §487.01, Subd. 1]

4.2.2 Organization. The County Court sits at the county seat, but may travel as necessary for the business of the court. Counties may join for purposes of sharing a combined County Court. Hennepin and Ramsey Counties, however, do not have a County Court. A County Court must have the following specialized divisions: Probate, Family Court, and Civil and Criminal. The Civil and Criminal Division includes a Traffic and Ordinance Violations Bureau.

[M.S. §487.01, Subds. 1, 6, §487.27, Subd. 1; State Court Administrator]

4.3.2 Jurisdiction

a. In the Civil and Criminal Division, the court has criminal jurisdiction over misdemeanors and may conduct preliminary hearings. In addition, the division has original jurisdiction concurrent with the District Court in actions where the amount in contest is less than $5,000; actions in forcible entry and detainer, proceedings to quiet title to real estate, and real estate foreclosure.

The Probate Division has exclusive jurisdiction in probate and guardianship (except in Hennepin and Ramsey Counties where the Probate Court hears these matters). It also has original jurisdiction concurrent with the District Court in provisions for trust estates.

The Family Court Division has original jurisdiction concurrent with the District Court in divorce and adoption proceedings. It also has exclusive jurisdiction over incompetency proceedings and juvenile delinquency matters (except in Hennepin and Ramsey Counties where the District Court has juvenile jurisdiction).

b. The County Court has appellate jurisdiction in cases heard de novo from the Conciliation Court.

[M.S. §487.14 to 487.19; State Court Administrator]

4.4.2 Judges (136)

a. The County Court does not have presiding judges. Chief district judges have authority over all courts in their districts. Reference Section 3.4.a.

b. County Court judges must be learned in the law and residents of the County Court districts in which the courts have jurisdiction. Lay judges that were in office in 1973 may run for election without being learned in the law.

c. County Court judges are elected at a general election by the voters of their respective County Court districts, and serve 6-year terms.

[M.S. §487.03, Subds. 1, 2; State Court Administrator]

4.5.2 Administration

a. The chief district judge serves as the chief judge of the County Court. Reference Section 3.5.a.

b. The district administrator serves as the administrator for the County Court. Reference Section 3.5.b.

c. The clerks of the District Court serve as clerks of the County Court in their respective counties. Reference Section 3.5.c.

4.6.2 Rule-making. Pleading, practice, procedure, and forms in civil actions are governed by rules of civil procedure for the County Courts as adopted by the Supreme Court. The court may adopt rules that are not inconsistent with rules promulgated by the Supreme Court.

[M.S. §487.23, §487.23, Subd. 2]

4.1.3 COUNTY MUNICIPAL COURT. The court sits in continuous session.

[M.S. §488A.18, Subd. 11]

4.2.3 Organization. The County Municipal Court exists only in Ramsey and Hennepin Counties. Statute and Traffic and Ordinance Violation Bureaus are established within these two municipalities in which court sessions are conducted.

[M.S. §488A.01, Subd. 10, §488A.08, §488A.25]

4.3.3 Jurisdiction

a. The County Municipal Court has jurisdiction in criminal matters constituting misdemeanors within the two counties. The court has jurisdiction in civil disputes where the amount in controversy does not exceed $5,000, except in cases involving title to real estate. The County Municipal Court also has jurisdiction in cases of forcible entry and unlawful detainer actions involving land within the two counties.

b. The County Municipal Court has appellate jurisdiction over decisions of the Consiliation Courts in Ramsey and Hennepin Counties.

[M.S. §488A.01, Subds. 4, 5, 6, §488A.18, Subds. 4, 6, 7; State Court Administrator]

4.4.3 Judges (28). The number of judges per court is specified by statute.

a. The County Municipal Court does not have presiding judges. Chief district judges have authority over all courts in their districts. Reference Section 3.4.a.

b. County Municipal Court judges must be admitted to the Minnesota Bar and must be residents of the county in which their courts have jurisdiction.

c. County Municipal Court judges are elected by the voters in each of the two counties. They serve 6-year terms.

[M.S. §488A.021, Subds. 1, 2, 3, 3(a), 11, §488A.19, Subds. 2, 3, 3(a), 11]

4.5.3 Administration

a. The chief district judge serves as the chief judge of the County Municipal Court. Reference Section 3.5.a.

b. The district administrator serves as the administrator for the County Municipal Court. Reference Section 3.5.b. In Ramsey County there is an administrator of the court, who is appointed by the judges to a 6-year term. He has all the powers and duties incident to the office of administrator of a court of record.

c. In Hennepin County the district administrator assumes the responsibilities of clerk. In Ramsey County, the administrator supervises the operations of the office.

[M.S. §488A.20, Subds. 1, 3; State Court Administrator]

4.6.3 Rule-making. Pleading, practice, procedure, and forms in criminal and civil actions are governed by rules for the County Municipal Court as promulgated by the Supreme Court. A majority of the judges of the court may adopt rules that are not inconsistent with rules of the Supreme Court or statutes.

[M.S. §488A.09, Subds. 1, 2, §488A.26, Subds. 1, 2, §488A.10, Subds. 1, 2, §488A.27, Subds. 1, 2]

4.1.4 CONCILIATION COURT. The judges of the Conciliation Court may hold terms of court as often as necessary to dispose of claims promptly.

[M.S. §488A.12, Subd. 5, §488A.30, Subd. 5]

4.2.4 Organization. The court may sit at appointed places within the respective counties.

[M.S. §488A.13, Subd. 5, §488A.30, Subd. 4]

4.3.4 Jurisdiction

a. The Conciliation Court has jurisdiction in civil actions where the monetary amount in contest is less than $1,000, except in cases involving real estate titles.

b. The Conciliation Court has no appellate jurisdiction.

[M.S. §488A.12, Subd. 3; §488A.29, Subd. 3; §487.30]

4.4.4 Judges. Hearing Officers serve as judges of the Conciliation Court of Ramsey and Hennepin Counties pursuant to M.S. §488A.13, Subd. 1 and M.S. §488A.30, Subd. 1. County Court judges serve as Conciliation Court judges in the remaining locations.

a. The Conciliation Court does not have presiding judges. Chief district judges have authority over all courts in the district. Reference Section 3.4.a.

b. Hearing Officers and County Court judges serve as judges of the Conciliation Court. Reference Sections 4.4.2.b, 4.4.3.b, and 6.1.7.

c. Hearing Officers serve as Conciliation Court judges for such periods and in rotation as decided by the judges of the County Municipal Court. Reference Section 4.4.2.c.

[M.S. §488A.13, Subd. 1, §488A.30, Subd. 1]

4.5.4 Administration

a. The chief district judge serves as the chief judge of the Conciliation Court. Reference Section 3.5.a.

b. The district administrator serves as the administrator of the Conciliation Court. Reference Section 3.5.b. The administrator of the Ramsey County Municipal Court also serves as the administrator of the Conciliation Court in that county.

c. The clerks of the District Court serve as clerks of the Conciliation Court. The administrator of Hennepin Municipal Court, however, acts as clerk of the Conciliation Court in that county.

[M.S. §488A.13, Subd. 2, §488A.30, Subd. 4]

4.6.4 Rule-making. In Hennepin and Ramsey Counties a majority of judges may promulgate rules of pleading, practice, and procedure that are not inconsistent with the statutes. Rules for Conciliation Courts in other counties are promulgated by the Supreme Court.

[M.S. §488A.12, Subd. 6, §488A.29, Subd. 6; State Court Administrator]

State-Level Administration

5.1 General administrative authority. In order to provide an efficient administration of justice, the Chief Justice supervises and coordinates the work of the courts of the state. He exercises general supervisory powers with respect to the fiscal affairs of the courts and personnel. He serves as chief representative of the court system, providing liaison with other government branches, and he supervises the administrative operations of the courts. He also considers all recommendations of the State Court Administrator relating to the assignment of judges, and issues directives to judges in order to facilitate the efficient disposition of court business. Reference Section 1.5.a.

[M.S. §2.724, §2.724, Subd. 4, §480.16]

5.2 Office of the State Court Administrator

a. The office is established by statute.

b. State Court Administrator

(1) The statutes provide for the position of State Court Administrator, who is appointed by the Supreme Court.

(2) The State Court Administrator must have a college degree and a law degree and is appointed by and serves at the pleasure of the Supreme Court.

(3) The responsibilities and duties of the State Court Administrator are enumerated in M.S. §480.15. Among those duties are:

(a) Examination of administrative methods employed in the courts.

(b) Caseload management for all courts.

(c) Statistical collection and analysis.

(d) Budget preparation and fiscal management.

(e) Monitoring of dockets and caseloads.

(f) Recommendations to the legislature for the improvement of the judicial system.

(g) Submitting a annual report of the activities of the State Court Administrator's office.

(h) Administration of uniform requirements for court budget and information systems.

(i) Preparation and administration of uniform standards relating to court personnel.

c. Office organization. The Office of the State Court Administrator consists of 43 people: 26 professionals (including the State Court Administrator) and 17 clerical personnel. The staff provides support services in the following areas: systems analysis, computer operations, records management, forms development, and field representation; accounting; training; personnel systems; legislative, executive, public, and media information; and planning and research, statistical analysis, and legislative drafting.

[M.S. §§480.13, 480.15; State Court Administrators, p. 62; State Court Administrator]

Quasi-Judicial Officers

6.1.1 DISTRICT COURT

6.2.1 Referee

a. Referees serve by appointment of the District Court judges. They must be attorneys.

b. Referees hear cases and make recommendations to the judges.

[State Court Administrator]

6.1.2 PROBATE COURT

6.2.2 Referee

a. Referees serve in the Probate Courts of Hennepin and Ramsey counties by appointment of the probate judge. Referees must be residents of the counties and lawyers. Referees serve at the pleasure of the judges.

b. Referees have the power to take acknowledgments and administer oaths. Any matter, cause, or proceeding in the courts may be assigned to the referees.

[M.S. §§525.10; 525.102]

6.1.3 COUNTY COURT

6.2.3 Probate registrar

a. Probate registrars serve by appointment of the County Court judges. Their qualifications depend on how the particular judge defines the position.

b. Probate registrars explain informal probate procedures to people. They have authority to perform ministerial functions with regard to informal probate claims.

[State Court Administrator]

6.1.4 COUNTY COURT

6.2.4 Judicial officer

a. Judicial officers are attorneys who have been appointed by County Court judges to assist with the workload. These positions are no longer being filled.

b. Judicial officers have the same authority as judges of the court.

[State Court Administrator]

6.1.5 COUNTY MUNICIPAL COURT (Ramsey County)

6.2.5 Referee

a. Referees are appointed by the bench. They must be attorneys.

b. Referees hear Conciliation Court small claims cases (civil claims under $1,000).

[State Court Administrator]

6.1.6 COUNTY MUNICIPAL COURT (Hennepin County)

6.2.6 Hearing officer

a. Hearing officers are appointed by the bench. They are usually clerks, but may be other persons with internal training in court matters.

b. Hearing officers hear minor traffic violations.

[State Court Administrator]

6.1.7 CONCILIATION COURT

6.2.7 Hearing officer

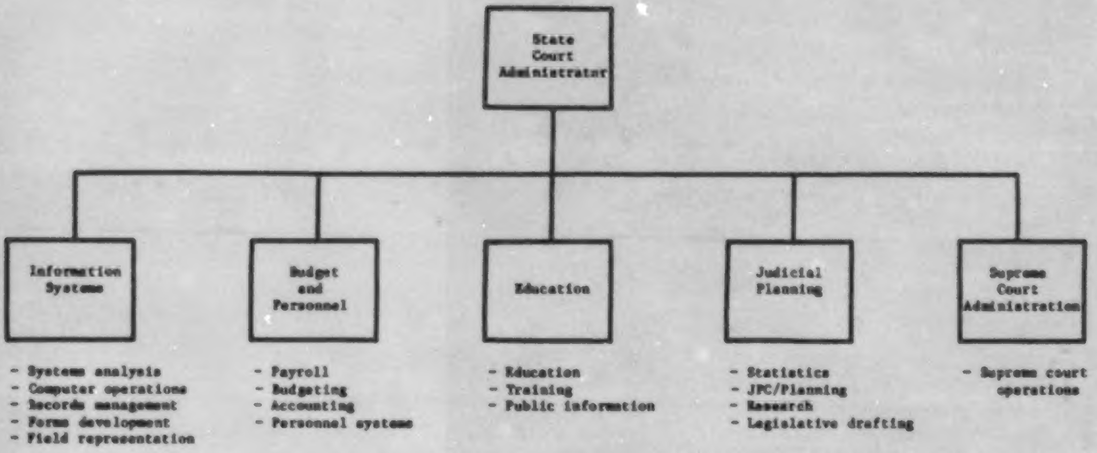
a. Hearing Officers are appointed by the judges of the County Municipal Courts (located in Hennepin and Ramsey Counties).

b. Hearing Officers hear small claims cases in the courts in Hennepin and Ramsey Counties.

Judicial Discipline

7.1 Board of Judicial Standards. The membership of the board consists of 1 District Court judge, 1

Figure 2: Minnesota state-level administrative office of the courts, 1980


State Court Administrator
Information Systems
Budget and Personnel
Education
Judicial Planning
Supreme Court Administration
- Systems analysis
- Computer operations
- Records management
- Forms development
- Field representation
- Payroll
- Budgeting
- Accounting
- Personnel systems
- Education
- Training
- Public information
- Statistics
- JPC/Planning
- Research
- Legislative drafting
- Supreme court operations

Municipal Court judge, 1 County Court judge, 2 lawyers who have practiced law in the state for 10 years, and 4 citizens who are not judges or lawyers. Members representing the judiciary are appointed by their respective judicial organizations. Lawyer members are appointed by the state bar association. The citizen members are appointed by the Governor with the advice and consent of the Senate.
[M.S. §490.15, Subd. 1]

7.2 Authority and procedure for sanction. The Board of Judicial Standards reviews matters regarding judicial disability or indictment against a judge. After a complaint is investigated, evidence is presented to the board to determine probable cause to proceed. If probable cause is found, a formal complaint is served on the judge, who may formally answer. A fact-finding hearing is held. The board makes its decision and sends recommendations to the Supreme Court for action. The Supreme Court may suspend a judge when the judge pleads guilty to a felony. When the conviction becomes final, the Supreme Court removes the judge from office.
[M.S. §490.16; State Court Administrator]

MISSISSIPPI

Court of Last Resort

1.1 SUPREME COURT. The court meets twice each year at Jackson, the state capital.

[Constitution, Article 6, Section 148; Mississippi Code 1972 Annotated (hereinafter Code) Section 9-3-3]

1.2 Organization. The Supreme Court sits in three divisions of three justices each. The Chief Justice and two presiding justices serve as the presiding officers of the three divisions. As deemed necessary, the court may also sit en banc.

[Const., Art. 6, §149A; *Courts Strategy*, Vol. 3, p. 2-5]

1.3 Jurisdiction

a. Each justice has the authority to issue writs of habeas corpus, mandamus, certiorari, supersedeas, attachment, and other extraordinary writs. The court has jurisdiction over all matters relating to the state bar.

b. The Supreme Court hears appeals from all cases originating in Circuit and Chancery Courts, except when a guilty plea is entered. Direct appeals from County Courts are permitted in cases involving eminent domain and for those noncapital felony cases transferred from the Circuit Court to the County Court. Appeals from decisions of the Justice or Municipal Courts are heard in Circuit or County Courts. Further appeal of these cases to the Supreme Court is permitted only when a constitutional question is raised and then only with acceptance of the appeal by a judge of the Circuit or Supreme Court.

[Code §§9-1-19, 11-27-29, 11-51-3, 73-3-1 to 73-3-373, 99-35-101]

1.4 Justices (9)

a. The justice who has served the longest continuous term on the court is the Chief Justice. He remains in this role as long as he serves on the court. The next two most senior justices are designated presiding justices.

b. Supreme Court justices must be at least 30 years old. They must have been residents and practicing attorneys in the state for at least 5 years prior to election or appointment.

c. Supreme Court justices are elected at large on a partisan ballot. The term of office for Supreme Court justices is 8 years. Vacancies are filled by gubernatorial appointment. Appointees serve until the first state election occurring more than 9 months after the vacancy occurs.

[Const., Art. 6, §§145, 145A, 145B, 149, 150; Code §§9-3-11, 23-5-247; *Courts Strategy*, Vol. 3, p. 1-6; Executive Director, Judicial Council]

1.5 Administration

a. Neither the Chief Justice nor the Supreme Court has statutory or constitutional administrative authority over the entire court system. Reference section 5.1 (General administrative authority). The Chief Justice is responsible only for management of the Supreme Court's affairs. In this connection, he signs warrants for the courts' expenses, approves the purchase price of the *Mississippi Reporter*, and signs the minutes of the court.

b. The position of Executive Assistant is authorized by order of the Supreme Court and is appointed by the court. Informal policy of the Supreme Court requires that he possess a law degree. The Executive Assistant assists the Chief Justice in court management functions. He supervises the preparation of the Supreme Court budget, disseminates information on court decisions, and serves as ex officio secretary to the Conference of Mississippi Judges and the State-Federal Judicial Council (reference Table 29: Judicial councils and conferences).

c. The clerk of the Supreme Court is appointed by the Supreme Court. There are no formal provisions for assigning administrative duties to the clerk. He exercises supervision over his own office employees and has responsibilities as determined by the court.

[Const., Art. 6, §168 (1979 Supplement); Code §§9-1-33, 9-3-45; *Courts Strategy*, Vol. 3, pp. 2-2, 2-3; *State Court Administrators*, pp. 64, 65; Executive Director, Judicial Council]

1.6 Rule-making. The Supreme Court is authorized by statute to promulgate procedural rules regulating the proceedings of the Supreme Court itself, provided that they are consistent with the law. In 1975, the legislature granted the Supreme Court civil rule-making authority over other courts and also established the Advisory Committee on Rules of Civil Practice and Procedure (made up of nine judges and five attorneys). The committee submits proposed rules to the Supreme Court. After the court makes any changes it desires, the rules are then submitted to the legislature. If not disapproved within a specified period of time, the rules are promulgated by the Supreme Court. The court has no constitutional or statutory authority to prescribe rules of administration for the various courts of the state. The court may, however, prescribe administrative rules relating to its own business.

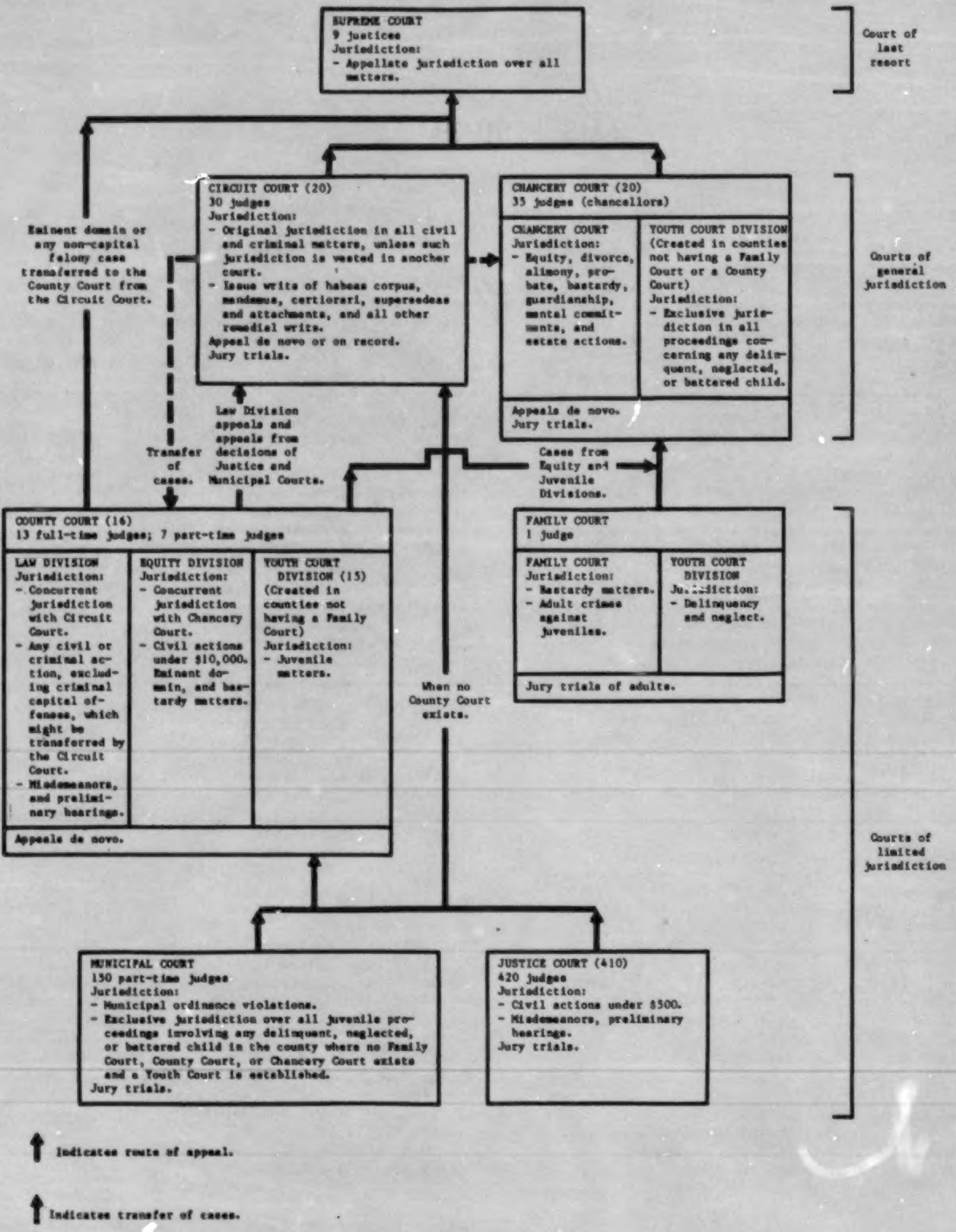
[Code §§9-1-29, 9-3-39, 9-3-61, 9-3-65 to 9-3-73]

Intermediate Appellate Court

2.0 There is no provision for an intermediate appellate court in Mississippi.

Courts of General Jurisdiction

Figure 1: Mississippi court system, 1980


SUPREME COURT
9 justices
Jurisdiction:
- Appellate jurisdiction over all matters.
Court of last resort
Eminent domain or any non-capital felony case transferred to the County Court from the Circuit Court.
CIRCUIT COURT (20)
30 judges
Jurisdiction:
- Original jurisdiction in all civil and criminal matters, unless such jurisdiction is vested in another court.
- Issue writs of habeas corpus, mandamus, certiorari, supersedeas and attachments, and all other remedial writs.
Appeal de novo or on record.
Jury trials.
CHANCERY COURT (20)
35 judges (chancellors)
CHANCERY COURT
Jurisdiction:
- Equity, divorce, alimony, probate, bastardy, guardianship, mental commitments, and estate actions.
YOUTH COURT DIVISION
(Created in counties not having a Family Court or a County Court)
Jurisdiction:
- Exclusive jurisdiction in all proceedings concerning any delinquent, neglected, or battered child.
Appeals de novo.
Jury trials.
Courts of general jurisdiction
Law Division appeals and appeals from decisions of Justice and Municipal Courts.
Transfer of cases.
Cases from Equity and Juvenile Divisions.
COUNTY COURT (16)
13 full-time judges; 7 part-time judges
LAW DIVISION
Jurisdiction:
- Concurrent jurisdiction with Circuit Court.
- Any civil or criminal action, excluding criminal capital offenses, which might be transferred by the Circuit Court.
- Misdemeanors, and preliminary hearings.
EQUITY DIVISION
Jurisdiction:
- Concurrent jurisdiction with Chancery Court.
- Civil actions under $10,000. Eminent domain, and bastardy matters.
YOUTH COURT DIVISION (15)
(Created in counties not having a Family Court)
Jurisdiction:
- Juvenile matters.
Appeals de novo.
When no County Court exists.
FAMILY COURT
1 judge
FAMILY COURT
Jurisdiction:
- Bastardy matters.
- Adult crimes against juveniles.
YOUTH COURT DIVISION
Jurisdiction:
- Delinquency and neglect.
Jury trials of adults.
Courts of limited jurisdiction
MUNICIPAL COURT
150 part-time judges
Jurisdiction:
- Municipal ordinance violations.
- Exclusive jurisdiction over all juvenile proceedings involving any delinquent, neglected, or battered child in the county where no Family Court, County Court, or Chancery Court exists and a Youth Court is established.
Jury trials.
JUSTICE COURT (410)
420 judges
Jurisdiction:
- Civil actions under $500.
- Misdemeanors, preliminary hearings.
Jury trials.
Indicates route of appeal.
Indicates transfer of cases.

3.1.1 CIRCUIT COURT. Court is held in each county of the state at least twice a year.

[Const., Art. 6, §158]

3.2.1 Organization. The state is divided into 20 districts. A district may have from one to seven counties within its boundaries. The 1st District of Hinds County (Jackson) can be divided into Criminal and Civil Divisions at the discretion of the senior judge on the bench. The Circuit Court of the 19th District can be divided by the senior judge into Criminal, Civil, and Appellate Divisions.

[Code §9-7-3 to 9-7-53]

3.3.1 Jurisdiction

a. The Circuit Court has original jurisdiction in all criminal and civil matters, unless such jurisdiction is vested in another court. The following courts' jurisdictions are concurrent with the jurisdiction of the Circuit Court: Chancery Court's jurisdiction over bonding offenses of fiduciaries and public officers; Chancery, County, and Family Courts' jurisdiction over bastardy matters; County Court's jurisdiction in civil matters involving less than $10,000; and Justice Court's jurisdiction in criminal matters where the punishment does not exceed a fine and imprisonment in the county jail. Circuit Court judges can issue writs of habeas corpus, mandamus, certiorari, supersedeas and attachments, and all other remedial writs.

b. The Circuit Court hears appeals from the Law Division of the County Court, except when the case was originally transferred to the County Court by the Circuit Court. Appeals from Justice and Municipal Courts are heard in the Circuit Court, except in those counties where a County Court has been established. Decisions of most local administrative bodies and certain state agencies are appealed to the Circuit Court.

[Const., Art. 6, §§156, 161, 171; Code §§9-1-19, 9-9-21, 11-51-75 to 11-51-85, 93-9-15, 99-33-1, 99-35-1; Courts Strategy, Vol. 3, pp. 3-30 to 3-33]

3.4.1 Judges (30)

a. The Circuit Court does not have a chief judge over all the districts or presiding judges for the individual districts.

b. Circuit Court judges must be at least 26 years old and must have been practicing lawyers and state citizens for 5 years.

c. Circuit Court judges are elected to 4-year terms on a partisan ballot by the voters of their respective counties.

[Const., Art. 6, §§153, 154; Code §§9-7-1, 23-5-235]

3.5.1 Administration

a. There are no provisions for a chief judge over all the districts of the Circuit Court or for presiding judges for the individual districts.

b. There is no provision for an administrator over all the districts of the Circuit Court. The position of administrator of each district is now authorized by a new law and three districts now have administrators. The 1979 supplement lists the following duties for the newly authorized positions:

(1) Perform all nonjudicial tasks of the court.

(2) Maintain all statistical reports.

(3) Serve as liaison with the general public and members of the bar.

(4) Coordinate and assist the clerks of the districts with regard to judicial duties.

(5) Provide general administrative support for all the judges and chancellors of the district.

(6) Perform other duties assigned by the judges.

c. Circuit Court clerks are elected in county elections. There are no formal provisions for assigning administrative duties to the clerks. The clerk is responsible for keeping records of all cases, a list of sureties on bonds, and a record of all pardons given for convictions within the county. He exercises supervision over his own office employees.

[Const., Art. 6, §168; Code §§9-7-127, 9-7-137, 9-7-139; Code §§9-17-1, 9-17-3 (1979 supplement); Executive Director, Judicial Council]

3.6.1 Rule-making. Each Circuit Court can establish its own procedural rules and orders, provided they are consistent with the law. In addition, Circuit Courts can establish their own administrative procedures.

[Code §9-1-29]

3.1.2 CHANCERY COURT. Court must be held in each county of the state at least twice a year.

[Const., Art. 6, §164; Code §9-5-3]

3.2.2 Organization. The state has been divided into 20 districts, each of which contains from one to eight counties. In those counties where a Family Court or a County Court has not been established, the Chancery Court has a Youth Court Division.

[Code §§9-5-5 to 9-5-55, 43-21-107]

3.3.2 Jurisdiction

a. The Chancery Court exercises original jurisdiction in the following: all matters in equity; divorce and alimony; probate; juvenile matters; mental competency cases; and controversies involving real estate titles. It has concurrent jurisdiction with the Circuit Court in matters relating to the bonds of fiduciaries and public officers for failure to account for money or property and in matters relating to mutual accounts. It also has concurrent jurisdiction with the County Court in equity cases involving less than $10,000 and with the Circuit, County, and Family Courts in bastardy matters. In addition, the court has jurisdiction in all cases transferred to it by the Circuit Court, remanded to it by the Supreme Court, or as otherwise provided for by law. Chancellors have the same authority as Circuit Court judges to issue extraordinary writs. The Youth Court Division has exclusive jurisdiction in all proceedings concerning any delinquent, neglected, or battered child.

b. The Chancery Court has jurisdiction over appeals from the following sources: Equity and Youth Divisions of the County Courts; Boards of Supervisors and municipal authorities in cases involving the issuance and sale of bonds; Family Courts, where they exist; and certain state agencies, as specified in the statutes.

[Const., Art. 6, §161; Code §§9-1-19, 9-5-81, 9-9-21, 11-51-75, 11-51-79, 31-13-5 to 31-13-7, 43-21-7, 43-21-51, 43-23-49, 93-9-15; Courts Strategy, Vol. 3, pp. 3-30 to 3-33, 4-29 to 4-30]

3.4.2 Judges (Chancellors) (35)

a. The Chancery Court does not have a chief judge over all the courts or presiding judges for the individual districts.

b. Chancellors must be at least 26 years old and must have been practicing attorneys and state residents for at least 5 years.

c. Chancellors are elected to 4-year terms on partisan ballots in county elections.

[Const., Art. 6, §§153, 154; Code §§9-5-1, 25-5-235]

3.5.2 Administration

a. There are no provisions for a chief judge over all the districts of the Chancery Court or for presiding judges for the individual districts.

b. There is no provision for an administrator over all the districts of the Chancery Court. Administrators for the districts are now authorized by a new law. Reference Section 3.5.1.

c. Chancery Court clerks are elected by the voters of their respective counties. There are no formal provisions for assigning administrative duties to the clerks. They exercise supervision over their own office employees and have responsibilities as determined by their respective courts.

[Const., Art. 6, §168; Code §9-17-1 (1979 Supplement); Executive Director, Judicial Council]

3.6.2 Rule-making. Each Chancery Court can establish its own rules and administrative procedures, provided they are consistent with the law.

[Code §9-1-29]

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. If there is only one Circuit Court district in the county, the term begins on the second Monday of each month. If there is more than one district in the county, the court must sit once in each district every month. Although Jones, Hinds, Bolivar, and Harrison Counties have two circuit districts within their borders, the court is allowed to alternate, sitting one month in one district, and the next month in the other district.

[Code §9-9-19]

4.2.1 Organization. Sixteen of the state's 82 counties have County Courts. A County Court can be established by the county's Board of Supervisors if the county meets certain statutory requirements. Although two or more counties may be served by a single court if the action is approved by the Boards of Supervisors, there are no joint County Courts at the present time. The County Court has a Law Division and an Equity Division. Every County Court, except the one in Harrison County, must have a Youth Court Division.

[Code §§9-9-1, 9-9-3, 43-21-3, 43-21-7; Courts Strategy, Vol. 4, p. 5-3; Executive Director, Judicial Council]

4.3.1 Jurisdiction

a. The County Court has criminal jurisdiction over all misdemeanor cases and it conducts preliminary hearings in felony cases. The court also has jurisdiction in all civil and criminal cases, excluding capital offenses, which might be transferred to it by the Circuit Court. All civil and criminal matters that can be heard in the Justice Court can also be heard in the County Court. Jurisdiction is also shared with Circuit and Chancery Courts in all civil cases involving less than $10,000 and in all bastardy matters. The Law Division handles those matters that would otherwise be within the jurisdiction of the Circuit Court; the Equity Division handles those matters that would otherwise be within the jurisdiction of the Chancery Court. The County Court has exclusive jurisdiction in cases involving eminent domain, partition of personel property, and unlawful entry and detainer. In the 16 counties that have County Courts, the Youth Court Division of the County Court has exclusive jurisdiction in all juvenile matters, except in Harrison County where the Youth Court Division is a part of the Family Court.

b. The County Court hears appeals from decisions of the Justice and Municipal Courts within the county.

[Code §§9-9-21, 9-9-27, 11-51-81, 43-21-3, 43-21-7, 43-23-55, 93-9-15; Executive Director, Judicial Council]

4.4.1 Judges (13 full-time and 7 part-time judges)

a. The County Court does not have presiding judges.

b. County Court judges must be at least 25 years old, must be practicing lawyers, and must have been state citizens for 5 years.

c. County Court judges are elected on partisan ballots in county elections.

[Code §9-9-5]

4.5.1 Administration

a. There are no provisions for presiding judges for the County Court.

b. The position of administrator has been authorized by a new law. Reference Section 3.5.1.

c. The elected clerks of the Circuit Court also serve as the County Court clerks. There are no formal provisions for assigning administrative duties to the clerks.

[Code §9-9-29; Code §9-17-1 (1979 Supplement)]

4.6.1 Rule-making. Each County Court can establish its own rules and administrative procedures, provided they are consistent with the law.

[Code §9-1-29]

4.1.2 FAMILY COURT. The Family Court sits in continuous session.

[Executive Director, Judicial Council]

4.2.2 Organization. A Family Court can be established in those counties that meet certain statutory requirements. At the present time, only Harrison County (Gulfport) has established a Family Court. The Family Court has a Youth Division.

[Code §43-21-107, 43-23-1; Courts of Limited Jurisdiction: A National Survey, p. 206]

4.3.2 Jurisdiction

a. The Family Court has exclusive jurisdiction over adults charged with contributing to the neglect or delinquency of a juvenile. It has concurrent jurisdiction with Circuit, Chancery, and County Courts in bastardy matters. The Youth Court Division has exclusive jurisdiction over delinquent, neglected, or battered children.

b. The Family Court has no appellate jurisdiction.

[Code §§43-23-5, 43-23-23, 43-23-25, 93-9-15; Code §§43-21-105, 43-21-107, 93-9-15 (1979 Supplement)]

4.4.2 Judges (1)

a. The Family Court does not have presiding judges.

b. Family Court judges must be at least 25 years old, must be practicing lawyers, and must have been state citizens for 5 years.

c. Family Court judges are elected for 4-year terms on partisan ballots by the voters of their respective counties.

[Code §§43-23-39, 43-23-41]

4.5.2 Administration

a. There are no provisions for presiding judges for the Family Court.

b. Although there is no statutory provision for an administrator for the Family Court, an administrator serves the court.

c. Statutes provide for a Family Court clerk, who is appointed by the judge. There are no formal provisions for assigning administrative duties to the Family Court clerk. He exercises supervision over his own office employees and has responsibilities as determined by the court.

[Code §43-23-41; Executive Director, Judicial Council]

4.6.2 Rule-making. A Family Court can establish its own rules and administrative procedures, provided they are consistent with the law.

[Code §9-1-29]

4.1.3 JUSTICE COURT. Th Justice Court must hold one or two terms per month. If the workload demands, the court may sit in continuous session.

[Code §9-11-15]

4.2.3 Organization. There are five Justice Court districts in each of the state's 82 counties. Each district normally has only one judge; however, the county Board of Supervisors is authorized to increase the number of judges to two per district.

[Code §9-11-1]

4.3.3 Jurisdiction

a. The Justice Court has concurrent criminal jurisdiction with the Circuit Court in cases where the punishment does not exceed a fine and sentence to the county jail. By a constitutional amendment, the civil jurisdiction of the Justice Court was enlarged in 1976 by raising the limit on the amount in controversy from $200 to $500.

b. The Justice Court has no appellate jurisdiction.

[Const., Art. 6, §171; Code §99-33-1]

4.4.3 Judges (420)

a. The Justice Court does not have presiding judges.

b. Each Justice Court judge must have resided in the county for at least 2 years and must possess a high school diploma. If he is not an attorney, he must attend an 18-hour seminar conducted by the attorney general.

c. Justice Court judges are elected to 4-year terms on partisan ballots by the voters of their respective Justice Court districts.

[Const., Art. 6, §171; Code §§9-11-1, 9-11-3]

4.5.3 Administration

a. There are no provisions for presiding justices for the Justice Court.

b. There are no provisions for administrators for the Justice Court. Reference Section 5.2.b (state-level administrator).

c. Justice Court judges may now appoint clerks. They have responsibilities as determined by their respective courts.

[Code §9-11-27 (1979 supplement)]

4.6.3 Rule-making. Each court can establish its own rules and administrative procedures, provided they are consistent with the law.

[Code §9-1-29]

4.1.4 MUNICIPAL (POLICE) COURT. The Municipal or Police Court sits in continuous session.

[Executive Director, Judicial Council]

4.2.4 Organization. A court is required in all municipalities in the state. In cities of over 12,000 population that are not located in counties not served by a Family Court or a County Court, the Municipal Court can establish a Youth Court Division, except where prohibited by law. The establishment of this division must be approved by the governing body of the city.

[Code §§21-23-1, 43-21-3, 43-21-107]

4.3.4 Jurisdiction

a. The Municipal Court has jurisdiction over all municipal ordinance violations. It sits as a committing court in all felonies committed within the municipality and in all state criminal law violations committed in the county and outside the municipal boundaries. The Municipal Court judge sits as ex officio Justice Court judge over all cases occurring in the municipality. In cities where no Family Court or County Court exists and a Youth Court Division is established, the court has exclusive jurisdiction over all proceedings involving any delinquent, neglected, or battered child in the county.

b. The Municipal Court has no appellate jurisdiction.

[Code §§21-23-7, 43-21-3, 43-21-7, 43-21-107]

4.4.4 Judges (150)

a. The Municipal Court does not have presiding judges.

b. Municipal Court judges, depending upon the population and size of the county, must be qualified voters of their counties and must be attorneys; or Justice Court judges whose district lies in whole or in part in the municipality; or the mayor or mayor pro tempore.

c. Municipal Court judges are appointed by the governing body of the municipality. If a judge is not appointed, the mayor or mayor pro tempore serves as ex officio judge. The judge's term is locally determined.

[Code §§21-23-3, 21-23-5]

4.5.4 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. Clerks of the municipalities serve as Municipal Court clerks, unless otherwise determined by the local governing body. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Code §21-23-11]

4.6.4 Rule-making. Each Municipal Court can establish procedural and administrative rules not in conflict with the law.

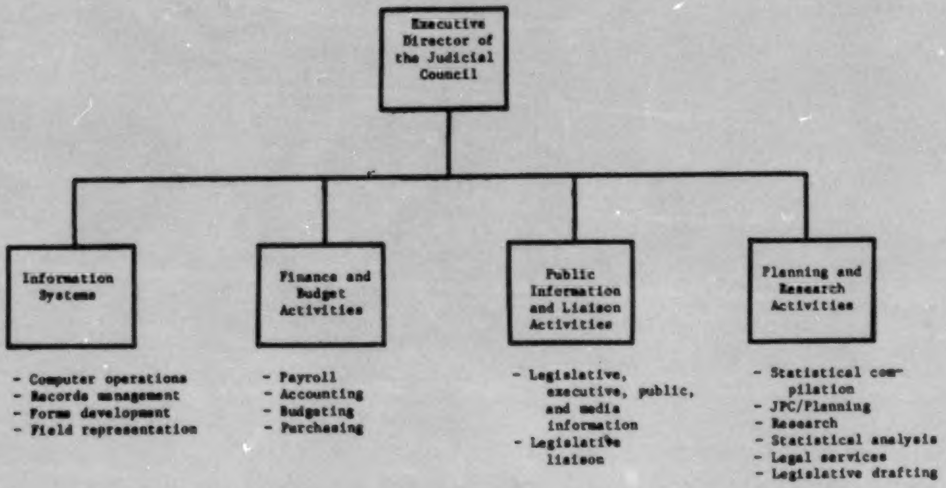
[Code §9-1-29]

State-Level Administration

5.1 General administrative authority. Neither the Chief Justice nor the Supreme Court possesses statutory or constitutional administrative authority over the entire court system. The Chief Justice appoints Circuit or Chancellor Court judges to hear election contests or complaints and appoints one judge of a court of record to serve on the Judicial Council (reference Table 29; Judicial councils and conferences). The Executive Assistant of the Supreme Court and the trial court administrators in the 2nd and 19th Districts of the Circuit Court are administrative officers who serve only their own courts. Reference Section 1.5.a.

The Judicial Council, an advisory body established by the 1977 legislature, is assigned the following duties: study administrative procedures

Figure 2: Mississippi state-level administrative office of the courts, 1980


Executive Director of the Judicial Council
Information Systems
Finance and Budget Activities
Public Information and Liaison Activities
Planning and Research Activities
- Computer operations
- Records management
- Forms development
- Field representation
- Payroll
- Accounting
- Budgeting
- Purchasing
- Legislative, executive, public, and media information
- Legislative liaison
- Statistical compilation
- JPC/Planning
- Research
- Statistical analysis
- Legal services
- Legislative drafting

in all courts on a continual basis; receive criticism and suggestions about the courts; study and make recommendations on judicial districting; apply for grants and other assistance; collect data and coordinate studies for the improvement of administration; and make recommendations and file an annual report to the Supreme Court and the legislature. The Judicial Council was not reenacted by the 1980 legislature; therefore, it stands repealed June 30, 1980.

[Code §23-3-47; 1977 Mississippi Legislature Senate Bill No. 2530; Executive Director, Judicial Council]

5.2 Administrative office of the courts. There is no administrative office of the courts in Mississippi, however, there is an Executive Assistant who assists the Chief Justice in court management functions. (Reference Section 5.1).

Quasi-Judicial Officers

6.1.1 CHANCERY COURT
6.2.1 Master

a. The Chancery Court may appoint two or more persons in each county to be masters of the court. They serve at the chancellor's pleasure. Qualifications are determined by each case.

b. Masters may administer oaths, subpoena and examine witnesses, examine and report upon all referred matters, and execute all decrees directed to them. In certain counties, masters may conduct original hearings. Their findings are approved or disapproved by the chancellor.

[Code §§9-5-241, 9-5-243, 9-5-245, 25-7-35; Executive Director, Judicial Council]

6.1.2 CHANCERY COURT
6.2.2 Special commissioner

a. The Chancery Court can appoint a special commissioner in any particular case. Qualifications are determined in each case.

b. There are no statutory provisions relating to assignment or duties of a commissioner. In practice, they perform duties similar to those performed by masters.

[Code §9-5-251; Executive Director, Judicial Council]

6.1.3 CIRCUIT COURT
6.2.3 Referee

a. In cases where matters of account are in controversy, the court may, on the application of either party, appoint up to three persons to act as referees. Qualifications are determined in each case.

b. Referees may administer oaths and issue subpoenas for witnesses. Their report becomes final upon approval of the court.

[Code §§11-7-139, 11-7-141, 11-7-143; Executive Director, Judicial Council]

6.1.4 CIRCUIT COURT AND CHANCERY COURT
6.2.4 Arbitrator

a. All persons, except infants and persons of unsound mind, may submit a controversy to one or more arbitrators, with the court making final judgment. Arbitrators must be disinterested persons.

b. Arbitrators decide the issues in the controversy submitted.

[Code §§11-15-1, 11-15-3, 11-15-11, 11-15-21, 11-15-29, 11-15-31]

6.1.5 FAMILY COURT
6.2.5 Referee

a. The judge may appoint a person, trained in the law, to serve as a referee at the judge's pleasure.

b. The referee may hear a case and make recommendations to the judge, who makes the final determination.

[Code §43-23-27]

Judicial Discipline

7.1 Mississippi Commission on Judicial Performance. The commission is composed of one Circuit Court judge, appointed by the Conference of Circuit Judges; one chancellor, appointed by the Conference of Chancellors; one County Court judge, appointed by the Conference of County Judges; one Justice Court judge, appointed by the Justice Court Officers Association; two lay members, appointed by the Judicial Council; and one attorney who has practiced law in the state for at least 10 years, appointed by the bar association. Reference Table 29: Judicial councils and conferences.

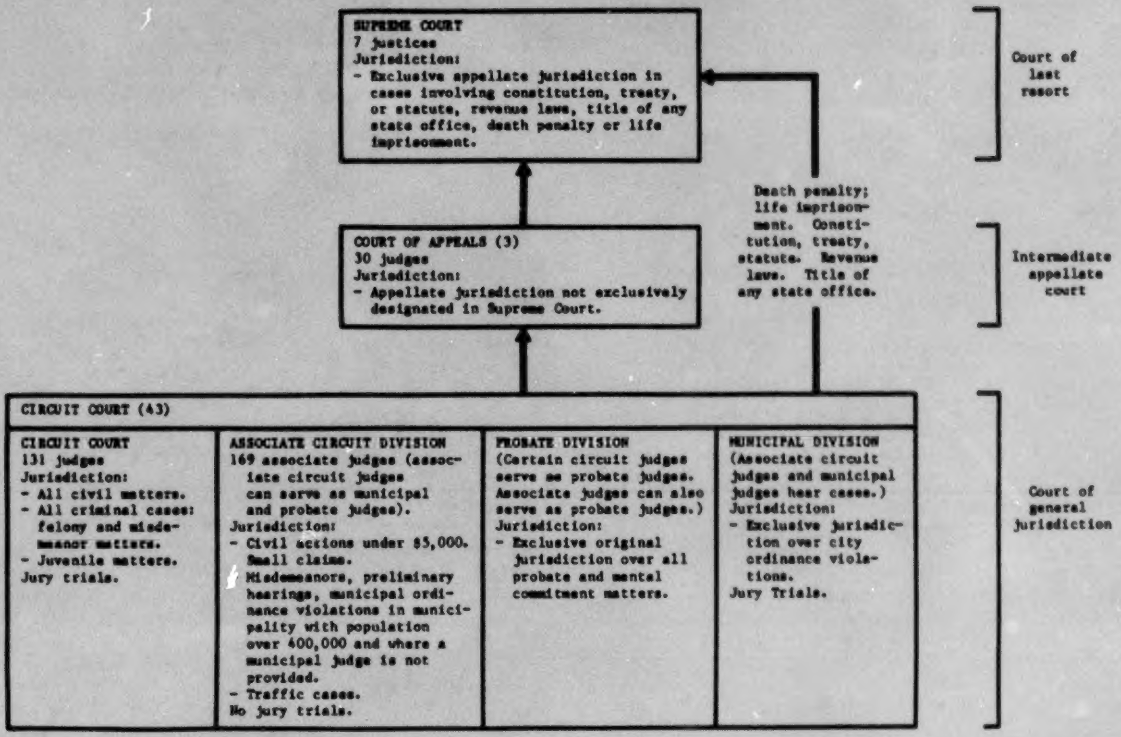
[Const., Art. 6, §177A (1979 supplement)]

7.2 Authority and procedure for sanction. The commission has the authority to recommend to the Supreme Court the removal, retirement, suspension, censure, or reprimand of any justice or judge for any of several delineated grounds. All proceedings of the commission are confidential, except upon unanimous vote of the commission. After a recommendation of removal or public reprimand is filed with the clerk of the Supreme Court, the charges and recommendations of the commission are made public. The commission may, with 213 of its members concurring, recommend the temporary suspension of any justice or judge against whom formal charges are pending.

When a justice of the Supreme Court is investigated, the recommendation of the Commission on Judicial Performance is determined by the tribunal of seven judges, selected by lot from a list consisting of all Circuit Court and Chancery Court judges, at a public drawing by the Secretary of State. The vote of the tribunal is by secret ballot.

[Const., Art. 6, §177A (1979 supplement)]

Figure 1: Missouri court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Exclusive appellate jurisdiction in cases involving constitution, treaty, or statute, revenue laws, title of any state office, death penalty or life imprisonment.

Death penalty; life imprisonment. Constitution, treaty, statute. Revenue laws. Title of any state office.

COURT OF APPEALS (3)
30 judges
Jurisdiction:
- Appellate jurisdiction not exclusively designated in Supreme Court.

CIRCUIT COURT (43)

CIRCUIT COURT
131 judges
Jurisdiction:
- All civil matters.
- All criminal cases: felony and misdemeanor matters.
- Juvenile matters.
Jury trials.

ASSOCIATE CIRCUIT DIVISION
169 associate judges (associate circuit judges can serve as municipal and probate judges).
Jurisdiction:
- Civil actions under $5,000. Small claims.
- Misdemeanors, preliminary hearings, municipal ordinance violations in municipality with population over 400,000 and where a municipal judge is not provided.
- Traffic cases.
No jury trials.

PROBATE DIVISION
(Certain circuit judges serve as probate judges. Associate judges can also serve as probate judges.)
Jurisdiction:
- Exclusive original jurisdiction over all probate and mental commitment matters.

MUNICIPAL DIVISION
(Associate circuit judges and municipal judges hear cases.)
Jurisdiction:
- Exclusive jurisdiction over city ordinance violations.
Jury Trials.

↑ Indicates route of appeal.

MISSOURI

Court of Last Resort

1.1 SUPREME COURT. Sessions are held in Jefferson City at times fixed by the court.

[Constitution, Article 5, Section 2]

1.2 Organization. The Supreme Court may sit en banc or in divisions of at least three judges, as the court determines. A majority of a division constitutes a quorum with all orders, judgments, and decrees having the force and effect of the court.

[Const., Art. 5, §7]

1.3 Jurisdiction

a. The Supreme Court may issue and determine original remedial writs. It has the responsibility for resolving disputes between the Governor and the Disability Board regarding the inability of the Governor to discharge the power and duties of his office. The Supreme Court has the duty to try impeachments. The court also has control over bar admissions.

b. The Supreme Court has exclusive appellate jurisdiction in all cases involving the following:

(1) The validity of a treaty or statute of the United States, or a statute or provision of the Constitution of Missouri.

(2) The construction of the revenue laws of the state.

(3) The title to any state office.

(4) All appeals involving offenses punishable by a sentence of death or life imprisonment.

The Supreme Court may finally determine all causes coming to it from the Court of Appeals, whether by certification, transfer, or certiorari, the same as an original appeal. A cause in the Supreme Court is transferred to the court en banc when the members of a division are equally divided in opinion, or when the division so orders, or on application of the losing party when a member of the division dissents from the opinion therein, or pursuant to Supreme Court rule.

[Const., Art. 4, §11(b), Art. 5, §§4, 9, 10, Art. 7, §2; Vernon's Annotated Missouri Statutes (hereinafter V.A.M.S.) Sections 106.030, 484.040; State Courts Administrator]

1.4 Justices (7)

a. The Chief Justice is selected through a court rotation system. He serves a 2-year term. Each division of the court also selects a presiding judge for a 2-year term.

b. Supreme Court justices must have been citizens of the United States for at least 15 years, must have been qualified voters of the state for 9 years preceding their election, must be at least 30 years of age, and must be licensed to practice law in Missouri.

c. Whenever a vacancy occurs, the Governor fills the vacancy by appointing one of three qualified persons whose names are submitted by a nonpartisan Judicial Commission (reference Table 12: Characteristics of judicial nominating commissions). If the Governor fails to appoint any of the nominees within 60 days after the list was submitted, the Judicial Commission appoints one of the nominees to fill the vacancy. After appointment, justices serve until December 31 following the next general election after the expiration of 12 months in office. Late in their initial term, justices must face a retention election. Those retained then serve 12-year terms.

[Const., Art. 5, §§8, 19, 21, 25(a), 25(c)(1); Missouri Supreme Court Rule (hereinafter S.C. Rule) 82.01]

1.5 Administration

a. The Chief Justice exercises administration and supervision over the entire court system through the State Courts Administrator, the chief judges of the Court of Appeals, Circuit Court presiding judges, and trial court administrators. Reference Section 5.1 (General administrative authority). The Chief Justice must perform duties prescribed by the Supreme Court. Supreme Court Rule 1.01 makes the Chief Justice the administrative officer of the court. The Chief Justice can appoint a member of the court to serve in his place on the Executive Council of the Judicial Conference (reference Table 29: Judicial councils and conferences). The presiding judge of each division of the court is the administrative officer of the division.

b. The Supreme Court appoints a State Courts Administrator and other staff to aid in the administration of the courts. Reference Section 5.2.b (state-level administrator).

c. The Supreme Court appoints a clerk and other staff to aid in the administration of the business of the Supreme Court.

[Const., Art. 5, §§4(2), 8; V.A.M.S. §§476.340, 477.005; S.C. Rule 82.01]

1.6 Rule-making. The Supreme Court may establish rules relating to practice, procedure, and pleading for all courts and administrative tribunals. These rules have the force and effect of law. The Supreme Court has general superintending control over all courts and tribunals in its jurisdiction. The Court may make temporary transfers of judicial personnel from one court or district to another as the administration of justice requires, and may establish rules with respect to these transfers.

[Const., Art. 5, §§ 4(Amendment), 5, 6]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The court sits in St. Louis, Kansas City, and Springfield for the following terms: St. Louis--one term per year starting in September; Kansas City--terms beginning in January, May, and September; and Springfield--continuous session.

[Missouri Court of Appeals Special Rules, Rules I.01, Rule V, and Rule 1]

2.2 Organisation. The Court of Appeals is composed of three geographically determined districts. Any district of the Court of Appeals may sit in divisions of at least three judges, as the district's judges may determine. A majority of a division constitutes a quorum, and all orders, judgments, and decrees have the force and effect of those of the court.

[Const., Art. 5, §7]

2.3 Jurisdiction

a. The Court of Appeals may issue and determine original remedial writs.

b. The Court of Appeals has general appellate jurisdiction in all cases except those within the exclusive jurisdiction of the Supreme Court. Cases pending in the Court of Appeals are transferred to the Supreme Court when any participating judge dissents from the majority opinion and certifies that he deems the opinion to be contrary to any previous decision of the Supreme Court or of the Court of Appeals, or any district of the Court of Appeals. Cases pending in the Court of Appeals may be transferred to the Supreme Court by order of the majority of the judges of the participating district of the Court of Appeals, after opinion, or by order of the Supreme Court before or after opinion because of the general interest or importance of a question involved in the case, or for the purpose of reexamining the existing law, or pursuant to Supreme Court rule.

[Const., Art. 5, §§3, 4, 10; State Courts Administrator]

2.4 Judges (30)

a. There is no provision for a chief judge over all the districts of the Court of Appeals. Each district of the Court of Appeals selects a chief judge from among its members. The chief judges serve 2-year terms.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b. They must also be residents of the districts that they serve.

c. Court of Appeals judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const., Art. 5, §§8, 21; State Courts Administrator]

2.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the Court of Appeals, the chief judges of the individual districts perform duties prescribed by their respective courts. The chief judge of each district must submit reports on the court to the Judicial Conference.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. Each district of the Court of Appeals is authorised to appoint a clerk. There are no formal provisions for assigning administrative duties to the clerk. He has supervisory duties in aiding the administration of the court.

[Const., Art. 5, §8; V.A.M.S. §§476.350, 477.005; State Courts Administrator]

2.6 Rule-making. Procedural rule-making authority is solely in the power of the Supreme Court. Reference Section 1.6. The Court of Appeals is authorised to make rules governing the administration of judicial business consistent with the rules of the Supreme Court, the constitution, or statutory law in force. The Court of Appeals has general superintending control over all trial courts and tribunals in its jurisdiction.

[Const., Art. 5, §§4 (Amend.), 5; State Courts Administrator]

Court of General Jurisdiction

3.1 CIRCUIT COURT. The court sits in continuous session.

[V.A.M.S. §478.205]

3.2 Organisation. The state is divided into 43 circuits. Each circuit consists of three divisions: the Associate Circuit, Probate, and Municipal Divisions. In each circuit there is at least one Circuit Court judge. Where there is more than one judge, the court can sit in general term or in divisions. The number of judges in each circuit is determined by law. One resident associate judge serves in each county, and each county has as many associate judges as provided by law.

[V.A.M.S. §478.073 to §478.183; State Courts Administrator]

3.3 Jurisdiction

a. The Circuit Court has original jurisdiction over all cases and matters, criminal and civil.

The Associate Circuit Division hears civil actions under $5,000, small claims, misdemeanors, preliminary hearings in felony cases, municipal ordinance violations in municipalities with population over 400,000 with no municipal judge, and traffic cases.

The Probate Division has exclusive original jurisdiction over all probate and mental health matters.

The Municipal Division has exclusive jurisdiction over city ordinance violations.

b. The Circuit Court has no appellate jurisdiction.

[Const., Art. 5, §14]

3.4 Judges (300: 131 Circuit Court judges and 169 associate Circuit Court judges)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. The Circuit Court judges and associate judges select from their number a judge to serve as presiding judge in that circuit for a term of 2 years.

b. Circuit Court judges must have been citizens of the United States for at least 10 years, must have been qualified voters of the state for 3 years preceding their election, must be not less than 30 years of age, must have been residents of the circuit for at least 1 year, and must be licensed to practice law in Missouri. Associate Circuit Court judges must be qualified voters of the state and residents of the county, must be at least 25 years of age, and must be licensed to practice law in the state.

c. Circuit Court judges are elected to 6-year terms at general elections by the voters within the geographic jurisdictional limit. Associate judges are elected to 4-year terms.

[Const., Art. 5, §§19, 21, 25(c)(1); V.A.M.S. §478.010; State Courts Administrator]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, the presiding judge of each circuit has general administrative authority over all judicial personnel and court officials in the circuit including authority to reassign personnel within the circuit, and authority to assign Circuit Court and associate Circuit Court judges to hear particular cases.

b. There is no provision for an administrator over all the circuits of the Circuit Court. The 16th, 21st, and 22nd Judicial Circuits, however, are authorized to have court administrators appointed by the judges of their circuits. In the 16th Judicial Circuit, the administrator is responsible for administering management services, budget, personnel, service of process, and computer services. In the 21st Judicial Circuit no duties are defined. In the 22nd Judicial Circuit the administrator is to assist in the administration of the court.

c. Clerks are elected in every county and the city of St. Louis. There are no formal provisions for assigning administrative duties to the clerk. He has supervisory duties in aiding the administration of the court.

[V.A.M.S. §483.015; Jackson County Charter; Article 4.430 of the St. Louis County Charter; Order of general term of 22nd Circuit Court; Revised Statutes of Missouri 478.240(2); State Court Administrator]

3.6 Rule-making. Reference Section 1.6.

Court of Limited or Special Jurisdiction

4.0 There are no courts of limited or special jurisdiction in Missouri.

State-Level Administration

5.1 General administrative authority. The Chief Justice is the chief administrative officer of the judicial system and supervises the administration of all courts in the state. Reference Section 1.5.a.

[Const., Art. 5, §8]

5.2 Office of the State Courts Administrator

a. The Office of the State Courts Administrator is authorized by the constitution and Supreme Court rule.

b. State Courts Administrator

(1) Article 5, Section 4 of the Missouri Constitution authorizes the Supreme Court to appoint an administrator to aid in the administration of the courts.

(2) The State Courts Administrator is appointed by the court to serve at its pleasure. There are no statutory or constitutional qualifications for the position of State Courts Administrator.

(3) The State Courts Administrator has the following responsibilities:

(a) Conduct training sessions for judges, law clerks, court reporters, and clerks.

(b) Develop and maintain a state-wide electronic data processing system to collect data on the operation of the various courts in the state and to aid in court management.

(c) Transfer judges from one court to another as needed.

(d) Develop and implement a new record-keeping system in the Circuit Court.

(e) Conduct studies on topics of interest to the court and make recommendations thereon.

(f) Process payroll and maintain retirement records for Circuit Court judges, court reporters, and juvenile officers.

(g) Provide the staff to administer the public defender program.

(h) Provide staff services to the Judicial Planning Committee. The Judicial Planning Committee is made up of the Chief Justice, a justice of the Supreme Court, a Circuit Court judge, an associate Circuit Court judge, a Municipal Court judge, a state senator, the attorney general's office, a law professor, a public defender, a prosecuting attorney, and a citizen. The State Courts Administrator serves as secretary. The committee's functions include the following: establishing priorities for improvement of the courts; defining, developing, and coordinating programs and projects for improvement of the courts; and developing a state courts plan in accordance with the Omnibus Crime Control and Safe Streets Act of 1968 and the Justice System Improvement Act of 1979. Staff services are also provided to other state committees. They:

(i) Assist the Supreme Court in implementing the Court Reform and Revision Act of 1978.

(j) Prepare statistical analyses and reports and transmit them to the courts.

(k) Prepare and submit budget estimates of state appropriations for the maintenance and operation of the judicial system.

(l) Examine state of the dockets of the courts and determine need for assistance.

c. Office organization. The Office of the State Courts Administrator consists of 51 people: 28.5 professionals (including the State Courts Administrator) and 22.5 clerical personnel. The staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, field representation, system programming, and liaison formating; court reporting, court coordination, facilities management, public defender services, committee staffing, and other court services; payroll, accounting, auditing, budgeting, purchasing, and grants; education, training, library, publications, and judicial and court liaison; personnel systems and office management; legislative, executive, public, and media information, legislative liaison, executive liaison, and special assignments usually relating to public information; and planning and research activities, which include statistical analysis, legal services, legislative drafting, grants development, and report preparation.

[Const., Art. 5, §4; Missouri Supreme Court Rule 82.03; State Courts Administrator]

Quasi-Judicial Officers

6.1 SUPREME COURT

6.2 Commissioner

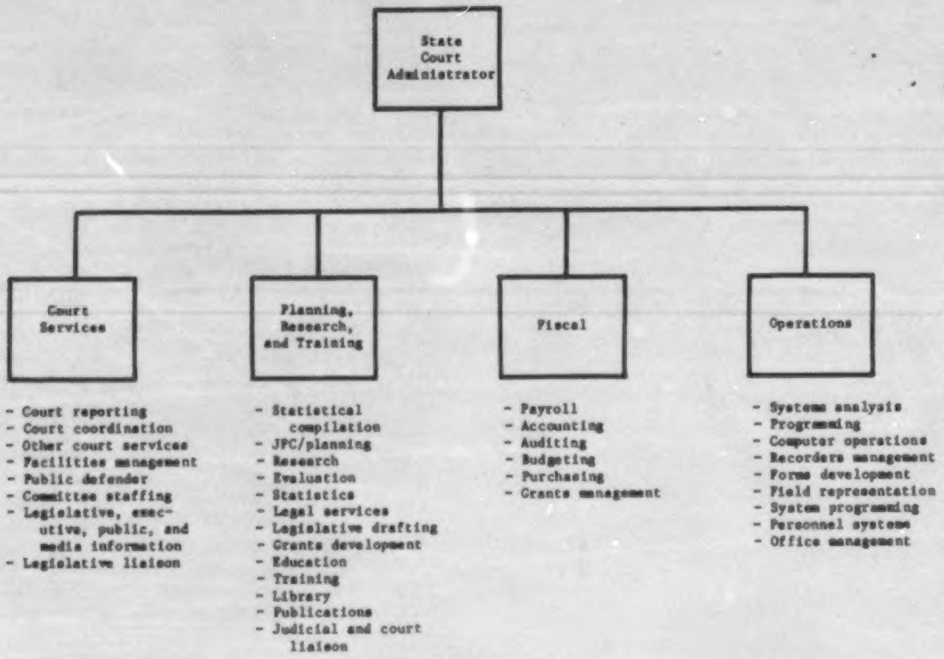
a. Effective January 1, 1972 the law creating the position of commissioner was repealed. Commissioners holding office on this date shall continue to hold office as commissioners of the court until the end of their terms, and shall be eligible for reappointment thereafter from term to term under existing law until retirement, death, resignation or removal for cause. Currently, there are only two commissioners serving the Supreme Court. Commissioners serve 4-year terms.

b. A commissioner may be assigned by the Supreme Court as a senior judge to any court in the state or as a special commissioner. When serving as a senior judge he shall have the same powers as an active judge.

[Const. Art. 5 §27(11)]

Judicial Discipline

Figure 2: Missouri state-level administrative office of the courts, 1980


State Court Administrator
Court Services
Planning, Research, and Training
Fiscal
Operations
- Court reporting
- Court coordination
- Other court services
- Facilities management
- Public defender
- Committee staffing
- Legislative, executive, public, and media information
- Legislative liaison
- Statistical compilation
- JPC/planning
- Research
- Evaluation
- Statistics
- Legal services
- Legislative drafting
- Grants development
- Education
- Training
- Library
- Publications
- Judicial and court liaison
- Payroll
- Accounting
- Auditing
- Budgeting
- Purchasing
- Grants management
- Systems analysis
- Programming
- Computer operations
- Recorders management
- Forms development
- Field representation
- System programming
- Personnel systems
- Office management

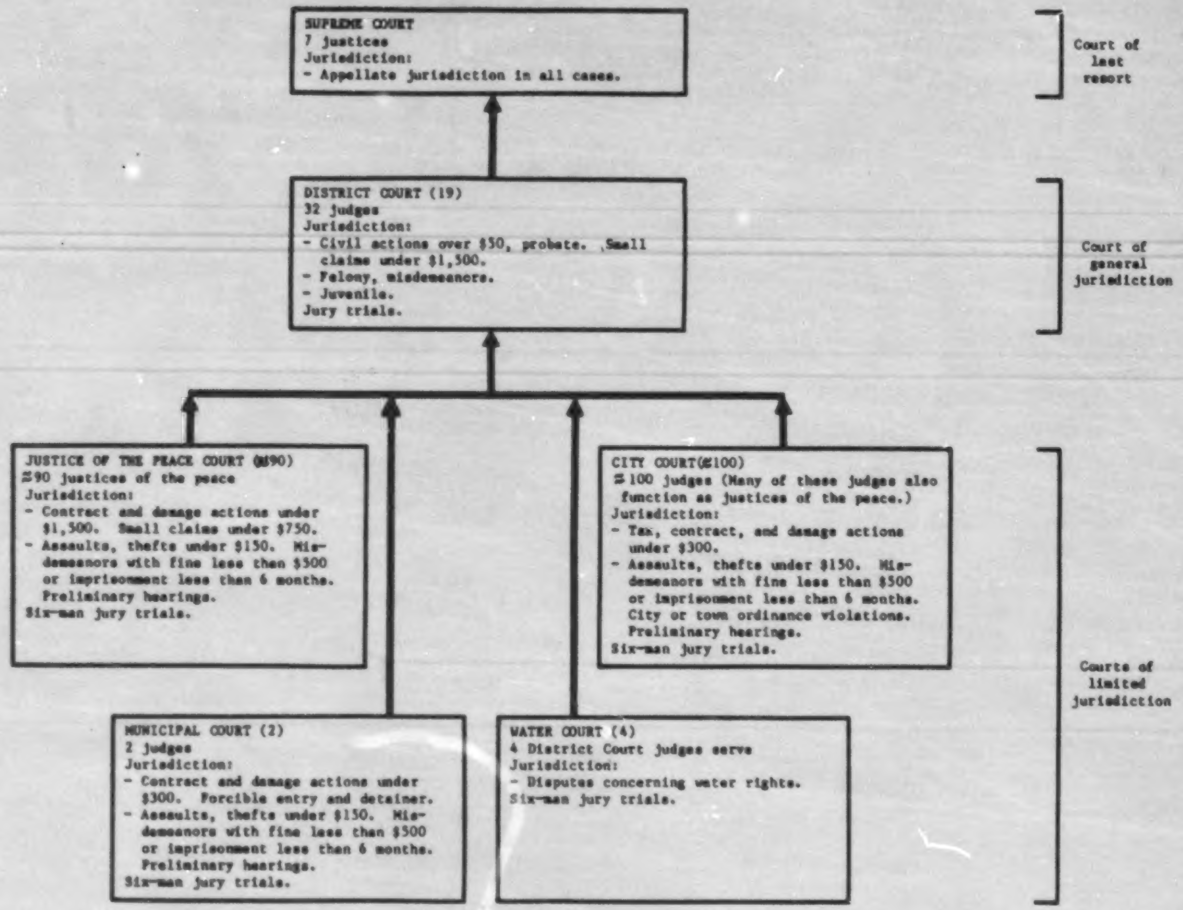
7.1 Commission on Retirement, Removal, and Discipline of Judges. The commission is composed of two nonlawyer citizens appointed by the Governor, two lawyers appointed by the governing body of the Missouri Bar, one judge of the Court of Appeals selected by a majority of the judges of the Court of Appeals, and one judge of the Circuit Court selected by a majority of the circuit judges of the state.

[Const., Art. 5, §24]

7.2 Authority and procedure for sanction. Judges are disciplined and removed by the Supreme Court sitting en banc after concurring with the recommendation of the Commission on Retirement, Removal, and Discipline of Judges. The commission receives and investigates all complaints concerning misconduct of judges and magistrates. It is required to give notice to the person being investigated and hold a hearing. When there is a recommendation by an affirmative vote of at least four of the six members of the commission and the Supreme Court sitting en banc concurs, the offending judge must be removed, retired, suspended, or disciplined by the Supreme Court.

[Const., Art. 5, §24]

Figure 1: Montana court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Appellate jurisdiction in all cases.

DISTRICT COURT (19)
32 judges
Jurisdiction:
- Civil actions over $50, probate. Small claims under $1,500.
- Felony, misdemeanors.
- Juvenile.
Jury trials.

JUSTICE OF THE PEACE COURT (≅90)
≅90 justices of the peace
Jurisdiction:
- Contract and damage actions under $1,500. Small claims under $750.
- Assaults, thefts under $150. Misdemeanors with fine less than $500 or imprisonment less than 6 months. Preliminary hearings.
Six-man jury trials.

CITY COURT(≅100)
≅100 judges (Many of these judges also function as justices of the peace.)
Jurisdiction:
- Tax, contract, and damage actions under $300.
- Assaults, thefts under $150. Misdemeanors with fine less than $500 or imprisonment less than 6 months. City or town ordinance violations. Preliminary hearings.
Six-man jury trials.

MUNICIPAL COURT (2)
2 judges
Jurisdiction:
- Contract and damage actions under $300. Forcible entry and detainer.
- Assaults, thefts under $150. Misdemeanors with fine less than $500 or imprisonment less than 6 months. Preliminary hearings.
Six-man jury trials.

WATER COURT (4)
4 District Court judges serve
Jurisdiction:
- Disputes concerning water rights.
Six-man jury trials.

↑ Indicates route of appeal.

MONTANA

Court of Last Resort

1.1 SUPREME COURT. The court meets at Helena, the seat of state government, for four terms per year. Special terms of court may be called as needed.

[Revised Code of Montana (hereinafter R.C.M.), 1947, Section 93-211, Replacement Volume 7]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to issue, hear, and determine writs of habeas corpus and other writs as provided by law. By statute, the Supreme Court is authorized to issue extraordinary writs of mandamus, certiorari, prohibition, and all other necessary writs.

b. The appellate jurisdiction of the Supreme Court extends to all cases at law and in equity.

[Constitution, Article VII, Section 2; R.C.M. §§93-214, 93-215]

1.4 Justices (7)

a. The Chief Justice is elected by the voters in the general state election and serves an 8-year term.

b. Supreme Court justices must have been residents of the state for 2 years prior to taking office and must have been admitted to the practice of law for at least 5 years prior to appointment or election.

c. Supreme Court justices are elected by the voters in the general state election. If incumbent justices are unopposed, they are subject to retention elections. All Supreme Court justices serve 8-year terms after election. When a vacancy occurs, nominees, selected by the Governor and confirmed by the Senate, serve until the next general election.

[Const., Art. VII, §§6, 7, 8, 9; R.C.M. §93-702, 93-714; State Court Systems Revised, p. 32]

1.5 Administration

a. The Supreme Court has general supervisory control over all other courts. It exercises administration and supervision over the entire court system through the Chief Justice, the State Court Administrator, and trial court judges and clerks. Reference Section 5.1 (General administrative authority). The Chief Justice has responsibility for temporary assignment of judges and control of the calendar for the Supreme Court. There are no formal provisions for assigning any appointive powers to the Chief Justice.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is elected by the voters of the state and serves a 6-year term. There are no formal provisions for assigning administrative duties to the clerk.

[Const., Art. VII, §§2, 6; R.C.M. §§82-501, 93-211]

1.6 Rule-making. The Supreme Court may make rules governing appellate procedure and practice, and procedure for all courts, subject to disapproval by the legislature. The court may prescribe administrative procedure by either rule of order. Each court may promulgate rules for the administration of the business of the court.

[Const., Art. VII, §2; R.C.M. §93-502]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Montana.

Court of General Jurisdiction

3.1 DISTRICT COURT. In districts that are made up of only one county, the court sits in continuous session. In the districts that comprise more than one county, terms must be held in each county at least four times a year.

[R.C.M. §93-315]

3.2 Organization. There are 19 judicial districts in the state, each with a statutorily-designated number of judges (from 1 to 4). Eleven districts have only one judge presiding in the District Court. A Small Claims Division may be created in each court by a resolution of the Board of County Commissioners (the county's governing board) after consultation with the District Court judges.

[R.C.M. §§93-301, 93-302, 93-323]

3.3 Jurisdiction

a. The District Court has statewide jurisdiction in all felony cases. It has jurisdiction in misdemeanors that have not been assigned to a court of limited jurisdiction. The District Court has statewide jurisdiction in all civil cases. The Small Claims Division has civil jurisdiction in matters where the amount in dispute is $1,500 or less. The District Court issues all necessary writs, has the power of naturalization, and has additional jurisdiction as delegated by state law.

b. The District Court has appellate jurisdiction over courts of limited jurisdiction in the form of trials de novo unless otherwise provided by law.

[Const., Art. VII §4; R.C.M. §§93-318, 93-323]

3.4 Judges (32). The number of judges in each district is specified by statute and ranges from one to four.

a. The District Courts do not have a chief judge over all the districts or presiding judges for the individual districts.

b. District Court judges must have been residents of the state for at least 2 years immediately prior to taking office, and must have been members of the Montana Bar for at least 5 years. After taking office, a judge must reside within his judicial district. The judge of the Small Claims Division of the District Court must be admitted to the state bar, but is not required to have a specific number of years of law experience.

c. District Court judges are elected to 6-year terms by the voters of their respective districts. The judges may serve successive terms. If incumbent judges are unopposed, they are subject to retention elections. Judges of the Small Claims Division are appointed by the judges of the judicial district and serve at the pleasure of the appointing judges.

[Const., Art. VII, §7, 8, 9; Montana Code Annotated (hereinafter M.C.A.) Section 3-5-201; R.C.M. §§93-302, 93-325, 93-702]

3.5 Administration

a. There are no provisions for a chief judge over all the districts or for presiding judges for the individual districts.

b. There are no provisions for an administrator over all the districts or for administrators for the individual districts. Reference Section 5.2.b (state-level administrator).

c. Clerks are elected in the districts by the voters. There are no formal provisions for assigning administrative duties to the clerks.

[Const., Art. XI, §3]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 JUSTICE OF THE PEACE COURT. The Justice of the Peace Court sits in continuous session.

[R.C.M. §93-402]

4.2.1 Organization. Each county of the state must have at least one Justice of the Peace Court, located at the county seat. The Board of County Commissioners in each county has the authority to constitute an additional court as deemed necessary. Each Justice of the Peace Court has a Small Claims Division.

[R.C.M. §§93-346, 93-347, 93-401]

4.3.1 Jurisdiction

a. The Justice of the Peace Court has criminal jurisdiction in assaults, thefts of property not exceeding $150, and misdemeanors that are punishable by fine not exceeding $500, or imprisonment not exceeding 6 months, or both. The Justice of the Peace Court has jurisdiction in civil cases where the amount in dispute does not exceed $1,500. The court has concurrent jurisdiction with the District Court in forcible entry and detainer actions. Each Small Claims Division has jurisdiction in cases involving dollar amounts up to $750.

b. The Justice of the Peace Court has no appellate jurisdiction.

[R.C.M. §§93-346, 93-347, 93-408, 93-410]

4.4.1 Judges (≈90). Each county has at least one justice of the peace. The county's governing board can establish one additional justice position. The state legislature can also provide for additional justices.

a. The Justice of the Peace Courts do not have presiding judges.

b. Justices of the peace must reside in the county in which his court is situated.

c. Justices of the peace are elected by the county voters in the general state election to 4-year terms.

[Const., Art. VII, §5, 8; R.C.M. §§93-401, 93-704]

4.5.1 Administration

a. There are no provisions for presiding judges for the Justice of the Peace Courts.

b. There are no provisions for administrators for the Justice of the Peace Courts. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Justice of the Peace Courts.

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 CITY COURT. The City Court sits in continuous session.

[M.C.A. §3-11-101]

4.2.2 Organization. A City Court is established in each city and town, except those having populations of 10,000 or greater. There are no specialized divisions of the court.

[R.C.M. §§11-1601, 11-1701]

4.3.2 Jurisdiction

a. The City Court has concurrent jurisdiction with the Justice of the Peace Court in filing of complaints in felonies, preliminary hearings, misdemeanors, and applications for search warrants. The City Court has exclusive jurisdiction in ordinance violations, tax matters where the amount in controversy does not exceed $300, municipal debts not to exceed $300, and other civil matters not exceeding $300.

b. The City Court has no appellate jurisdiction.

[R.C.M. §11-1602, 11-1603]

4.4.2 Judges (≈100; many of these judges also function as justices of the peace)

a. The City Courts do not have presiding judges.

b. City Court judges must have been residents of the city for 2 years and must be qualified voters.

c. City Court judges are elected by the voters of the city at general city elections. They serve indefinite terms.

[Const., Art. IV, §2; R.C.M. §§11-701, 11-702, 11-709, 11-713, 11-716]

4.5.2 Administration

a. There are no provisions for presiding judges for the City Courts.

b. There are no provisions for administrators for the City Courts. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the City Courts.

4.6.2 Rule-making. Reference Section 1.6.

4.1.3 MUNICIPAL COURT. The Municipal Court sits in continuous session

[R.C.M. §11-1708]

4.2.3 Organization. All cities with a population of 10,000 or greater may establish a Municipal Court. The city government must approve the establishment of the court by a two-thirds majority of the governing body, and the court must assume continuing jurisdiction over all pending City Court cases. There are no specialized divisions of the court.

[R.C.M. §11-1701]

4.3.3 Jurisdiction

a. The Municipal Court has concurrent jurisdiction with the District Court in forcible entry and detainer actions. The Municipal Court also has concurrent jurisdiction with the Justice of the Peace Court of the county in which the city is located. The Municipal Court has the same kind of jurisdiction as the City Court in ordinance violations and civil actions involving not more than $300.

b. The Municipal Court has no appellate jurisdiction.

[R.C.M. §§11-1601, 11-1702]

4.4.3 Judges (2)

a. The Municipal Courts do not have presiding judges.

b. Municipal Court judges must have resided in Montana for at least 2 years prior to taking office and must have been members of the state bar for 2 years. Judges must also be residents and voters of the cities in which the courts are established.

c. Municipal Court judges are elected on a nonpartisan ballot at the general city election to 4-year terms.

[Const., Art. VII, §9; R.C.M. §§11-1703, 11-1704]

4.5.3 Administration

a. There are no provisions for presiding judges for the Municipal Courts.

b. There are no provisions for administrators for the Municipal Courts. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Municipal Courts.

4.6.3 Rule-making. Reference Section 1.6.

4.1.4 WATER COURT. This court is administered and funded by the Executive branch. It is anticipated that the Judicial branch will assume control of this court in July 1, 1981, pending the passage of the implementing legislation.

4.2.4 Organization. The state is divided into four Water Divisions with a Water Court in each division. There are no specialized divisions of the court.

[M.C.A. §3-7-102]

4.3.4 Jurisdiction

a. The Water Court has jurisdiction over all disputes concerning water rights within the Water Divisions.

b. The Water Court has no appellate jurisdiction.

[M.C.A. §3-7-501]

4.4.4 Judges (4 District Court judges serve)

a. The Water Courts do not have presiding judges.

b. Water Court judges are District Court judges. Reference Section 3.4.b.

c. The District Court judges of the judicial districts within each Water Division select one of their number to be the Water Court judge for their division for a term of 4 years.

[M.C.A. §§3-7-201, 3-7-202]

4.5.4 Administration

a. There are no provisions for presiding judges for the Water Courts.

b. (Information not available)

c. There are no provisions for clerks for the Water Courts.

4.6.4 Rule-making. (Information not available)

State-Level Administration

5.1 General administrative authority. General administrative control is vested in the Supreme Court by the state constitution. The Supreme Court has general supervisory control over all other courts. Reference Section 1.5.a.

[Const., Art. VII, §2]

5.2 Office of the Court Administrator

a. (Information not available)

b. State Court Administrator

(1) The position of State Court Administrator is provided for by statute.

(2) There are no formal qualifications for the State Court Administrator, but it is specified that he may not practice law while holding office. He is appointed by the Supreme Court and serves at its pleasure.

(3) Under the direction of the Supreme Court, the State Court Administrator prepares and presents the judicial budget, collects and reports court statistics, makes recommendations regarding administrative improvements, and performs tasks as required by the court.

c. Office organization. The office of the State Court Administrator consists of four professional and two clerical staff members.

[R.C.M. §82-510 to §82-513; Office of the Court Administrator]

Quasi-Judicial Officers

6.1.1 DISTRICT COURT
6.2.1 Judge pro tempore

a. Judges pro tempore are appointed on a case-by-case basis. They must be members of the bar, must be agreed upon in writing by parties, and must be approved by the court.

b. Judges pro tempore have full powers of District Court judges in the cases they hear.

[M.C.A. §3-5-113]

6.1.2 DISTRICT COURT
6.2.2 Master

a. A majority of the judges of a District Court may approve the appointment of masters. No formal qualifications are specified. Masters serve at the pleasure of the court.

b. Subject to any limitations specified in the court order referring a case to a master, masters may require the presentation of evidence, rule on the admissability of evidence, hear witnesses, and report their findings to the judges referring the matters to them.

[Montana Rules of Civil Procedure (hereinafter M.R.C.P.), Rule 53(a), 53(c), 53(e)]

6.1.3 WATER COURT
6.2.3 Water master

a. The water masters are appointed by the Water Court judges and serve at their pleasure. No formal requirements are specified, but the statute requires the appointing judge to consider a water master's experience with water law, water use, and water rights.

b. Water masters can conduct hearings into matters referred by the Water Court judges. They are empowered to hear testimony, rule on the admissibility of evidence, compel the presentation of evidence, and question witnesses.

[M.C.A. §§3-7-301, 3-7-311; M.R.C.P., Rules 53(c), 53(e)]

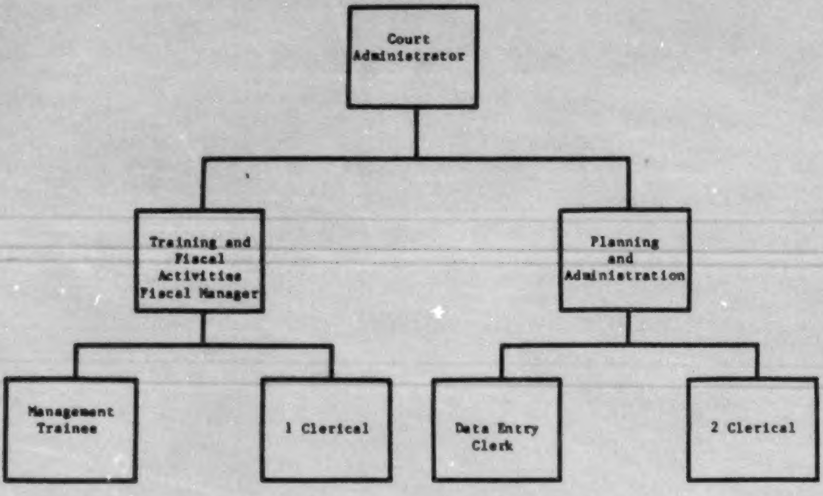
Judicial Discipline

7.1 Judicial Standards Commission. The commission consists of two District Court judges representing different districts, elected by peer vote; one attorney who has practiced law for at least 10 years, appointed by the Supreme Court; and two lay citizens from different congressional districts, appointed by the Governor.

[M.C.A. 3-1-1101 to 3-1-1111]

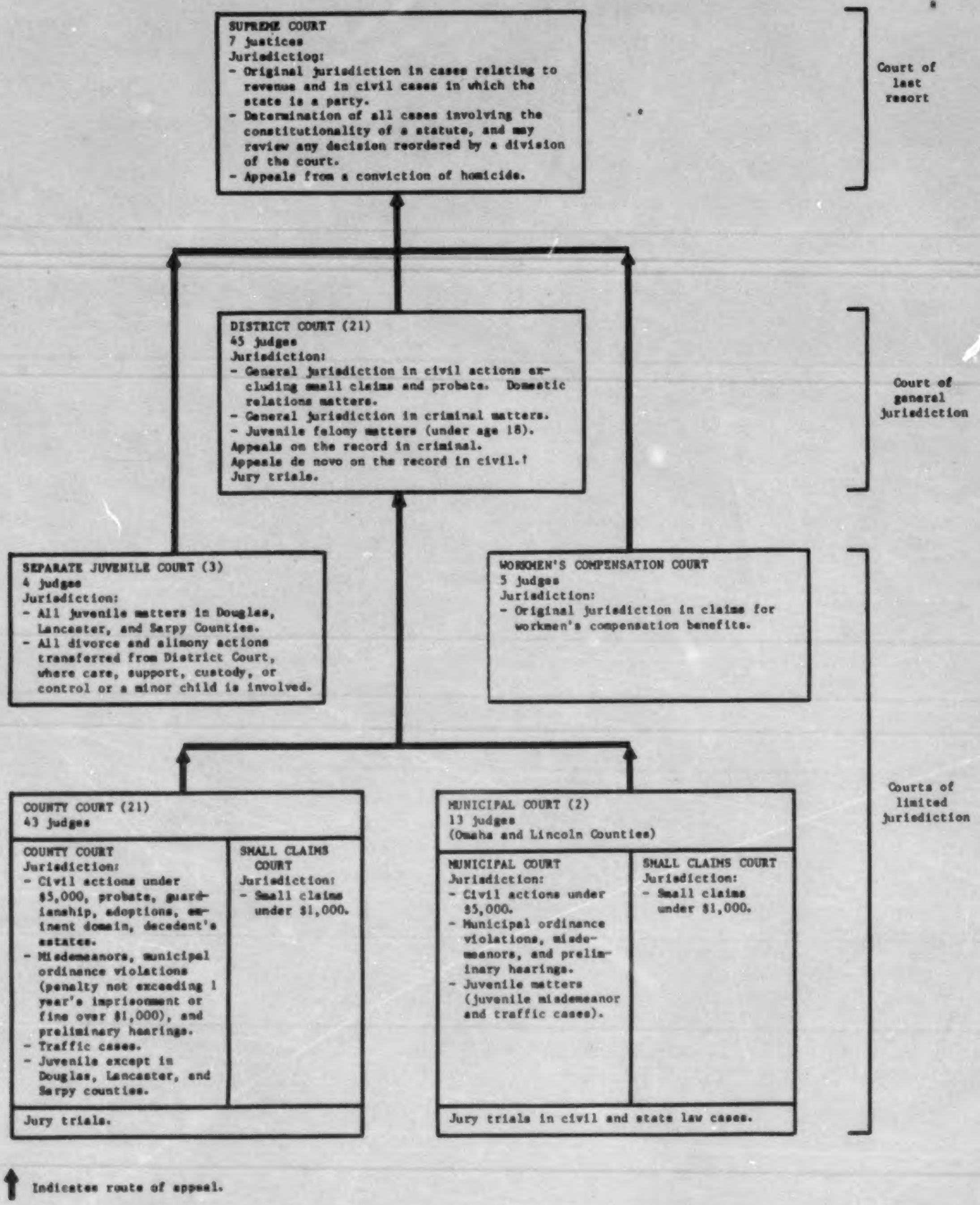
7.2 Authority and procedure for sanction. The commission or any citizen of the state may initiate an investigation of any judicial officer by filing a complaint with the Judicial Standards Commission.

Figure 2: Montana state-level administrative office of the courts, 1980


Court Administrator
Training and Fiscal Activities Fiscal Manager
Planning and Administration
Management Trainee
1 Clerical
Data Entry Clerk
2 Clerical

The commission conducts an investigation and hearings as necessary. If, after the investigation, the commission deems it necessary, it may recommend retirement, removal, censure, or suspension of a judicial officer to the Supreme Court. All proceedings before the commission are confidential. [R.C.M. §93-722 to §93-728]

Figure 1: Nebraska court system, 1980



SUPREME COURT
7 justices
Jurisdictiog:
- Original jurisdiction in cases relating to revenue and in civil cases in which the state is a party.
- Determination of all cases involving the constitutionality of a statute, and may review any decision reordered by a division of the court.
- Appeals from a conviction of homicide.

DISTRICT COURT (21)
45 judges
Jurisdiction:
- General jurisdiction in civil actions excluding small claims and probate. Domestic relations matters.
- General jurisdiction in criminal matters.
- Juvenile felony matters (under age 18).

Appeals on the record in criminal.
Appeals de novo on the record in civil.†
Jury trials.

SEPARATE JUVENILE COURT (3)
4 judges
Jurisdiction:
- All juvenile matters in Douglas, Lancaster, and Sarpy Counties.
- All divorce and alimony actions transferred from District Court, where care, support, custody, or control or a minor child is involved.

WORKMEN'S COMPENSATION COURT
5 judges
Jurisdiction:
- Original jurisdiction in claims for workmen's compensation benefits.

COUNTY COURT (21)
43 judges

COUNTY COURT
Jurisdiction:
- Civil actions under $5,000, probate, guardianship, adoptions, eminent domain, decedent's estates.
- Misdemeanors, municipal ordinance violations (penalty not exceeding 1 year's imprisonment or fine over $1,000), and preliminary hearings.
- Traffic cases.
- Juvenile except in Douglas, Lancaster, and Sarpy counties.

SMALL CLAIMS COURT
Jurisdiction:
- Small claims under $1,000.

Jury trials.

MUNICIPAL COURT (2)
13 judges
(Omaha and Lincoln Counties)

MUNICIPAL COURT
Jurisdiction:
- Civil actions under $5,000.
- Municipal ordinance violations, misdemeanors, and preliminary hearings.
- Juvenile matters (juvenile misdemeanor and traffic cases).

SMALL CLAIMS COURT
Jurisdiction:
- Small claims under $1,000.

Jury trials in civil and state law cases.

Court of last resort
Court of general jurisdiction
Courts of limited jurisdiction
Indicates route of appeal.

† In Nebraska, "de novo on the record" means that the court may make an independent determination of the facts.

NEBRASKA

Court of Last Resort

1.1 SUPREME COURT. The court meets for two terms each year in Lincoln. The terms begin on the first Monday in January and the third Monday in September. Special terms may be designated by the court.

[Constitution, Article V, Section 3; Reissue Revised Statutes (hereinafter R.R.S.) Sections 24-205, 24-206]

1.2 Organization. The court may sit en banc or in two divisions of five justices each. Cases involving the constitutionality of a statute or homicide convictions must be heard by the court sitting en banc. The entire court may review any decision rendered by a division of the court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court is authorized to form two divisions of the court, with five judges in each division. This is accomplished by appointment of District Court judges to act as associate judges, sufficient in number with the Supreme Court justices to make up the two divisions of five judges each. Four judges are needed in each division to form a quorum.

[Const., Art. V, §2]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in cases relating to revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, and election contests involving state officers other than legislators. The court also regulates admission to the bar and the practice of attorneys.

b. The court hears en banc all appeals from a conviction of homicide, determines all cases involving the constitutionality of a statute, and may review any decision rendered by a division of the court. All District Court decisions can be appealed as a matter of right to the court or a division thereof. Matter of right appeals to the Supreme Court are also permitted from the Workmen's Compensation Court and the three Separate Juvenile Courts. Certain administrative agency appeals, such as those from the Commission of Industrial Relations and the Public Service Commission, are to the Supreme Court.

[Const., Art. V, §2; R.R.S. §§24-204, 43-238, 48-152, 48-153, 84-918; Revised Statutes of Nebraska 1979 Supplement (hereinafter 1979 R.S. Supp.) Section 48-812; Revised Rules of the Supreme Court of the state of Nebraska 1977 (hereinafter Revised Supreme Court Rule) Rules I.1.c., II, III]

1.4 Justices (7)

a. The Chief Justice is appointed by the Governor. He continues in this role for as long as he serves on the court.

b. Supreme Court justices must be at least 30 years of age, must be citizens of the United States, and must be residents and voters of the Supreme Court districts from which selected. They must be members of the state bar, and must have had 5 years of law practice experience in the state.

c. Supreme Court justices are selected through a merit plan by which they are nominated by a Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions) and appointed by the Governor. If the Governor fails to make an appointment within 60 days, the Chief Justice makes the appointment. Justices must run for a retention election at the first general election following 3 years in office. They serve 6-year terms.

[Const., Art. V, §§7, 21; 1979 R.S. Supp. §24-202; State Court Administrator]

1.5 Administration

a. The Supreme Court has administrative authority over all courts, which is exercised by the Chief Justice. He exercises administration and supervision over the entire court system through the State Court Administrator; District and County Court presiding judges; Municipal Court presiding judges and the court administrator of the Municipal Court of Omaha; presiding judges of the Separate Juvenile Court and the court administrator of the Separate Juvenile Court of Omaha; and the presiding judge and the court administrator of the Workmen's Compensation Court. Reference Section 5.1 (General administrative authority). He has no specific duties with regard to the administration of the Supreme Court other than the appointive power noted in Section 1.4.c.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the court. The clerk's duties are primarily clerical. He is the custodian of the seal of the court and is responsible for performing those duties prescribed by law and orders of the court. The clerk is also responsible for keeping the fee book of the court and submitting a quarterly report to the Governor.

[Const., Art. V, §§1, 8; R.R.S. §§24-214, 24-215, 24-221]

1.6 Rule-making. The Supreme Court promulgates rules of practice and procedure for all courts. In January of odd-numbered years the justices of the Supreme Court revise the general rules of court and adopt any additional rules necessary. The Supreme Court is authorized to make some administrative rules for other courts.

[Const., Art. V, §25; R.R.S. §24-210; State Court Administrator]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Nebraska.

Court of General Jurisdiction

3.1 DISTRICT COURT. The judges set the terms of court in the counties of their respective districts. A special term may be held when necessary.
[R.R.S. §§24-303, 24-304]

3.2 Organization. There are 21 judicial districts with 1 to 9 counties in each district. All terms are held at the county seat or place otherwise provided by the Board of County Commissioners. The District Court is referred to as Conciliation Court when it is hearing domestic relations cases.
[R.R.S. §§5-105, 24-303, 42-801 to 42-823]

3.3 Jurisdiction

a. The District Court has both chancery and common law jurisdiction in all criminal and civil matters unless otherwise provided, i.e., unless vested in other courts. Those exceptions are in the following areas: probate, guardianship or conservatorship of any person, most juvenile matters, and city or village ordinance violations.

b. The District Court has appellate jurisdiction over appeals from the County and Municipal Courts and most administrative agencies.
[R.R.S. §§24-302, 25-1901, 84-917; 1979 R.S. Supp. §24-517]

3.4 Judges (45)

a. There is no provision for a chief judge over all the districts of the District Court. The judicial districts are not required to establish presiding judge positions. In three large multi-judge districts, however, such positions have been created. Presiding judges in these courts are elected annually by their peers.

b. District Court judges must meet the same requirements as Supreme Court justices. Reference Section 1.4.b.

c. District Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.
[1979 R.S. Supp. §24-301; James E. Dunlevey, "Comparison of the Nebraska Court System with the ABA Standards on Court Organization--A Report," April 1977 (hereinafter Dunlevey Report); State Court Administrator]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, three large multi-judge districts have established the position of presiding judge. Presiding judges may designate a judge of the District Court to serve during the absence or disqualification of judges of the Separate Juvenile Court.

b. There are no provisions for an administrator over all the districts of the District Court or for administrators for the individual districts. Reference Section 5.2.b (state-level administrator).

c. District Court clerks are elected in any county with a population greater than 7,000. In counties of less than 7,000, the county clerk serves as clerk of the court. The clerk is responsible for submitting annual judicial statistics to the Supreme Court. The clerk is also responsible for keeping a record of the proceedings of the court, under the direction of the judge, and is authorized to microfilm records.
[R.R.S. §§24-337, 24-337.01, 24-337.02, 32-307, 43-237]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. The County Court sits in continuous session.
[State Court Administrator]

4.2.1 Organization. There is a County Court in each of the state's 93 counties. The County Court sits at the county seat. The state is divided into 21 county judge districts, similar to District Court boundaries. Each County Court has a Small Claims Department, which is designated the Small Claims Court. Other specialized divisions may be established at the discretion of the county judges.
[R.R.S. §§24-502, 24-503, 24-512; 1979 R.S. Supp. §24-522]

4.3.1 Jurisdiction

a. The County Court has concurrent jurisdiction with the District Court in criminal actions where the penalty does not exceed 1 year of imprisonment or a fine over $1,000 or both; in civil actions where the amount in controversy is less than $5,000; and in the involuntary partition of a ward's interest in real estate owned in common with others. The County Court has exclusive original jurisdiction in all matters relating to decedents' estates; matters of guardianship or conservatorship; and adoptions. The court also has exclusive jurisdiction over city or village ordinance violations, except those in cities having a Municipal Court. Where a Separate Juvenile Court has not been established, the County Court has exclusive original jurisdiction in juvenile cases, except that the jurisdiction is concurrent with the District Court in cases where a child under age 18 is charged with a felony. The court's jurisdiction is concurrent with the District and Municipal Courts if a child of 16 or 17 years of age is charged with a misdemeanor or a child under the age of 16 has been charged with a traffic offense.

The Small Claims Division has jurisdiction in civil claims less than $1,000. Preliminary examinations are conducted in the County Court.

b. The County Court has no appellate jurisdiction.
[R.R.S. §43-202; 1979 R.S. Supp. §24-522; 1978 R.S. Supp. §24-519]

4.4.1 Judges (43)

a. In multi-judge County Court districts, the judges select a presiding judge annually.

b. County Court judges must be at least 30 years of age, must be citizens of the United States, must be residents of and legal voters in the districts from which selected, and must have been residents of Nebraska for at least 3 years.

c. County Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.
[Const., Art. V, §7; R.R.S. §§24-202, 24-506]

4.5.1 Administration

a. Where the position has been established, the presiding judge of a County Court assigns cases to the associate judges (reference Section 6.2.3).

b. There are no provisions for administrators for the County Court. Reference Section 5.2.b (state-level administrator).

c. In counties with a population of 3,000 or less, the county clerk serves ex officio as clerk of the County Court. In counties with a population greater than 3,000, the associate county judge is the ex officio clerk of the County Court. The clerk has the same power in the County Court as the clerk of the District Court. Reference Section 3.5.c. The clerk signs and issues marriage licenses, and is responsible for keeping the records of the court. He also receives and accounts for money received by the court.

[R.R.S §§24-510, 24-511, 24-518, 24-519]

4.6.1 Rule-making. The statutory codes of criminal and civil procedure and Supreme Court rules govern practice and procedure in the County Courts. Reference Section 1.6.

[R.R.S. §24-528]

4.1.2 SEPARATE JUVENILE COURT. The Separate Juvenile Court sits in continuous session.

[State Court Administrator]

4.2.2 Organization. Separate Juvenile Court districts are authorized in any county with a population greater than 30,000 where authorized by the electorate. A Separate Juvenile Court has been established in Douglas County (Omaha), Lancaster County (Lincoln), and Sarpy County (Papillion). The presiding judge may establish specialized divisions of the court.

[R.R.S. §§43-228, 43-236.01; Dunlevey Report]

4.3.2 Jurisdiction

a. Where established, the Separate Juvenile Court assumes the exclusive original jurisdiction of the County Court and maintains concurrent jurisdiction with the District Court if an individual under 18 years of age is accused of a felony. The court also has concurrent jurisdiction with the District and Municipal Courts in misdemeanor cases involving juveniles 16 or 17 years of age, and in traffic violations involving juveniles under 16. The Separate Juvenile Court has exclusive original jurisdiction over a juvenile's parents, guardian, or custodian and over proceedings for the termination of parental rights. The court has concurrent jurisdiction with the District Court over all matters arising under the provisions of Chapter 42, Article 3 (Divorce and Alimony) of the Nebraska Statutes, where the care, support, custody, or control of minor children is involved. Such matters are filed in the District Court and may with the consent of the juvenile judge be transferred to the Separate Juvenile Court.

b. The Separate Juvenile Court has no appellate jurisdiction.

[R.R.S. §§43-202, 43-230]

4.4.2 Judges (4)

a. In counties with two judges, the senior judge in service becomes the presiding judge. The position of presiding judge is rotated annually, unless another system is agreed upon by the judges. At the present time, there are no presiding judges.

b. Separate Juvenile Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Separate Juvenile Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.R.S. §§43-230.01, 43-233.01, 1979 R.S. Supp. §43-233; State Court Administrator]

4.5.2 Administration

a. Presiding judges appoint chief probation officers and other officers and employees as needed. Presiding judges set the salaries of the probation officers and other employees of the Separate Juvenile Court, subject to the approval of the Board of County Commissioners or Supervisors. A presiding judge of the Separate Juvenile Court may appoint associate judges (reference Section 6.2.4).

b. There are no formal provisions for administrators for the Separate Juvenile Courts. The Separate Juvenile Court at Omaha, however, has created and filled the position.

c. Clerks of the District Courts also serve as clerks of the Separate Juvenile Courts. Reference Section 3.5.c.

[R.R.S. §§43-235, 43-236, 43-236.01; Dunlevey Report]

4.6.2 Rule-making. The presiding judges have certain administrative rule-making powers. Reference Section 1.6.

[R.R.S. §43-228 to §43-243.01]

4.1.3 MUNICIPAL COURT. The Municipal Court sits in continuous session.

[R.R.S. §26-101]

4.2.3 Organization. A Municipal Court may be established in metropolitan (over 300,000 population) and primary class (100,000 to 300,000) cities only. A Municipal Court has been established in Omaha (Douglas County) and Lincoln (Lancaster County). Geographical jurisdiction of each Municipal Court is coextensive with the boundaries of the counties. Each Municipal Court has a Small Claims Department, which is designated the Small Claims Court.

[R.R.S. §§24-521, 26-101, 26-116; Dunlevey Report]

4.3.3 Jurisdiction

a. The Municipal Court has exclusive original jurisdiction over municipal ordinance violations and concurrent jurisdiction with the County Court in criminal cases and in civil cases not exceeding $5,000. Municipal judges have the jurisdiction and authority to try forcible entry and detention cases; to proceed against security for costs and surety for the stay of execution on their dockets; to issue attachments and proceed against goods and effects of debtors in certain cases; to issue execution on judgments; to try actions for the recovery of damages for an assault or assault and battery; and to try actions for the recovery of money due on contracts for the sale of real estate.

The Small Claims Division has jurisdiction over civil claims of less than $1,000.

b. The Municipal Court has no appellate jurisdiction.

[R.R.S. §§24-517, 26-117, 26-118, 26-119; 1979 R.S. Supp. §24-522]

4.4.3 Judges (13)

a. Presiding judges are elected by the courts annually.

b. Municipal Court judges must meet the same requirements as Supreme Court justices. Reference Section 1.4.b.

c. Municipal Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.R.S. §§26-102, 26-107; 1979 R.S. Supp. §26-103]

4.5.3 Administration

a. Presiding judges of the Municipal Court are responsible for the general supervision of the courts. They assign Municipal Court judges to their courts and may designate another judge to act as presiding judge in their stead when necessary.

b. There are no formal provisions for administrators for the Municipal Court. The Municipal Court of Omaha, however, has created and filled the position. The administrator performs duties in the areas of planning, organization, and internal control.

c. Clerks of the Municipal Court are appointed by the judges. The clerk must be a resident of the city where the court is held and must execute a bond before assuming the clerk's duties. The clerk has the same powers in the Municipal Court, unless otherwise provided, as the clerk of the District Court of the district in which the Municipal Court is situtated. Reference Section 3.5.c.

[R.R.S. §§26-106, 26-107, 26-108; Dunlevey Report; State Court Administrator]

4.6.3 Rule-making. Judges of the Municipal Court may promulgate rules of practice in their courts so long as such rules do not conflict with state law. Reference Section 1.6.

[R.R.S. §§26-1, 26-202]

4.1.4 WORKMEN'S COMPENSATION COURT. The Workmen's Compensation Court sits in continuous session.

[State Court Administrator]

4.2.4 Organization. The Workmen's Compensation Court, an administrative agency, is a statewide court. Initial hearings are held before a single judge in the county in which the accident occurred. Either party who refuses to accept the findings may file within 14 days an application for a rehearing before the court sitting en banc. Rehearings are normally heard in Lincoln. The court is organized into three branches: the Adjudication Branch, which consists of judges, clerks, and secretaries; the Rehabilitation Branch, which supervises programs for individuals who have or who have had claims; and the Legal Counsel (investigative) Branch, which performs investigatory work regarding employers' insurance coverage.

[R.R.S. §§48-177, 48-152, 48-179; Workmen's Compensation Court Administrator]

4.3.4 Jurisdiction

a. The Workmen's Compensation Court enforces the provisions of the Workmen's Compensation Act.

b. The Workmen's Compensation Court has no appellate jurisdiction.

[R.R.S. §48-152]

4.4.4 Judges (5)

a. On July 1 of every odd-numbered year, the judges of the Workmen's Compensation Court select a presiding judge.

b. Workmen's Compensation Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Workmen's Compensation Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.R.S. §48-155; 1979 R.S. Supp. §§48-153, 48-153.01]

4.5.4 Administration

a. The presiding judge may designate another judge to serve in his absence. The presiding judge presides at all rehearings of the court and makes all rulings, except those that arise during an original hearing before another judge, assigns the work of the court, presides at meetings of the judges, and performs supervisory duties as needed. The presiding judge appoints a clerk of the court and other assistants and employees as necessary, including rehabilitation specialists.

b. The court employs a court administrator, although this is not a statutory position. The administrator performs duties in the areas of planning, organization, and internal control.

c. The presiding judge of the Workmen's Compensation Court appoints the clerk who serves at the pleasure of the court. The clerk is responsible for keeping the records of the court's proceedings and issuing all notices and writs. He superintends the clerical business of the court, and performs other duties as directed by the presiding judge. The clerk is authorized to microfilm records.

[R.R.S. §48-155; 1976 R.S. Supp. §48-157; State Court Administrator]

4.6.4 Rule-making. The judges of the Workmen's Compensation Court are empowered to promulgate rules of practice in their courts so long as such rules do not conflict with state law. Subject to the general administrative authority of the Supreme Court, the court is authorized to issue administrative rules necessary for the operation of the court.

[R.R.S. §48-152 to §48-191]

State-Level Administration

5.1 General administrative authority. The Supreme Court has administrative authority over all the courts of the state, which is exercised by the Chief Justice. Reference Section 1.5.a.

[Const., Art. V, §1]

5.2 Office of the State Court Administrator

a. The Office of the State Court Administrator is constitutionally authorized.

b. State Court Administrator

(1) The position of State Court Administrator is constitutionally authorized.

(2) The State Court Administrator is appointed by the Chief Justice. There are no statutory or constitutional qualifications for this position. In practice, he is required to have administrative experience.

(3) The State Court Administrator has the following responsibilities: developing and administering the personnel system for nonjudicial employees (including associate judges) of the County Court; developing and administering the rules governing court reporters for the District Court and Separate Juvenile Court; preparing and administering the budget for the Supreme Court, County Court, and court reporters; managing orientation and continuing education programs for the County Court and court reporters; developing records management, accounting, and case processing systems and methods for the County Court; acting as liaison for the court system with the legislature, the bar, the news media, and others; advising judges and local officials, upon request, on standards for construction of court facilities; establishing standards for tape recording equipment used by courts; and conducting research and planning for future needs.

c. Office organization. The office has a total staff of seven people: four professionals (including the State Court Administrator) and three clerical personnel.

[Const., Art. V, §1; R.R.S. §§24-514, 24-515; Dunlevey Report; State Court Administrator]

Quasi-Judicial Officers

6.1.1 DISTRICT COURT AND COUNTY COURT

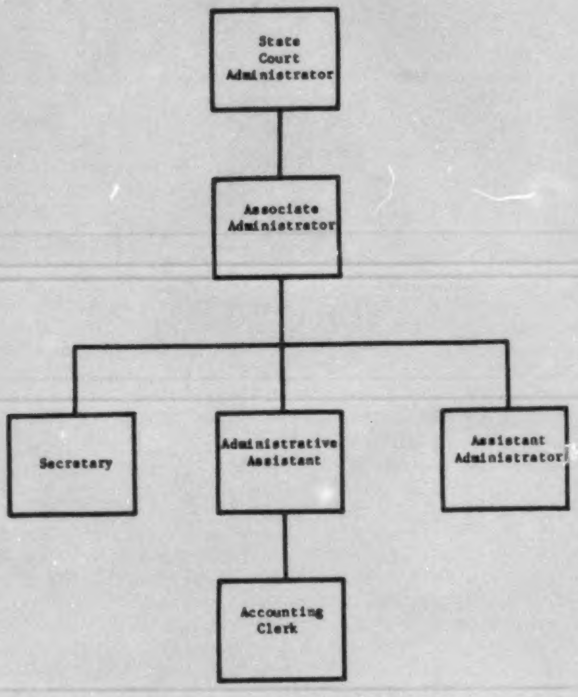
6.2.1 Referee

a. Referees may be agreed on by the parties involved or appointed by the court. In practice, they are required to be attorneys.

b. Referees decide disputes and their decisions are entered as if tried by the court. In the County Court both parties must consent to the use of a referee.

[R.R.S. §§25-1131, 25-1132, 25-1133; State Court Administrator]

Figure 2: Nebraska state-level administrative office of the courts, 1980


State Court Administrator
Associate Administrator
Secretary
Administrative Assistant
Assistant Administrator
Accounting Clerk

6.1.2 DISTRICT COURT AND COUNTY COURT
6.2.2 Master

a. Masters are appointed by the court. In practice, they are required to be attorneys.

b. Masters are authorized in civil suits involving a receivership where the rights of the parties have not been fully determined. Masters may also sell and sieze property pursuant to a court order or judgment. They assess accounts or make findings as to appropriate damages in the case of a default judgment.

[R.R.S. §§25-1081, 25-1090, 25-1308, 25-1326; State Court Administrator]

6.1.3 COUNTY COURT
6.2.3 Associate judge

a. Associate judges are appointed by the judge of the court they serve. Associate judges must be legal voters and residents of the counties in which they serve, must be high school graduates, and must attend training institutes provided by the Supreme Court.

b. If the associate judge is an attorney, he has the same jurisdiction as a judge of the County Court. The jurisdiction of an associate judge not trained in the law is limited to the following matters: civil actions not exceeding $1,000; ordinance violations; misdemeanors; proceedings for the issuance of warrants for arrest or for searches and seizures; preliminary examination; juvenile proceedings, except the commitment to a state institution or the termination of parental rights; any proceeding to prevent the commission of crimes; and any proceedings relating to decedents' estates, noncontested inheritance tax matters, guardianship or conservatorship (except the construction of wills and trusts), the determination of title to real estate, and the authorization of the sale or mortgaging of real estate. The Chief Justice has established a policy that, to the greatest extent possible, all contested matters should be tried by law-trained judges. Nonlawyer associate judges may be delegated some contested matters in emergency situations and where it will expedite the resolution of cases.

[R.R.S. §§24-507, 24-508, 24-518; 1978 R.S. Supp. §24-519; State Court Administrator]

6.1.4 SEPARATE JUVENILE COURT
6.2.4 Associate judge

a. Juvenile Court associate judges are appointed by presiding judges. They must be members of the state bar.

b. Presiding judges may assign any matter to associate judges for determination, except those relating to divorce and alimony.

[R.R.S. §43-236.01]

6.1.5 MUNICIPAL COURT
6.2.5 Acting judge

a. Acting judges are appointed by and serve at the pleasure of the Governor. The only qualifications are that they be "competent and disinterested."

b. Acting judges serve in the capacity of Municipal Court judges.

[R.R.S. §§26-1, 26-203]

6.1.6 WORKMEN'S COMPENSATION COURT
6.2.6 Acting judge

a. The Governor may appoint "qualified and disinterested" persons to act in place of judges of the court.

b. Acting judges are subject to the same duties as regular judges and are subject to the call of the presiding judge.

[R.R.S. §48-155.01]

Judicial Discipline

7.1 Commission on Judicial Qualifications. The commission is constitutionally mandated. Membership consists of two justices of the Supreme Court, two judges of the District Court, one judge of a Municipal Court, one judge of the Workmen's Compensation Court, and one judge of the County Court, all appointed by the Chief Justice; two members of the Nebraska State Bar Association who have practiced law in the state for 10 years, appointed by the Executive Council of the Bar Association; and two nonlawyer citizens, appointed by the Governor.

[Const., Art. V, §28]

7.2 Authority and procedure for sanction. The commission investigates both complaints against judges and requests for retirement (by the justices and judges). The commission has such powers as are necessary to conduct an investigation into the allegations. If there is sufficient cause, the commission may conduct a formal hearing. The judge has specific rights in this hearing, including cross-examination of witnesses. The commission may ask the Supreme Court to appoint a special master to hear evidence. If after the hearing, and after the report of the master, the commission determines there is good cause for removal, it makes such recommendation to the Supreme Court.

[R.R.S. §24-721]

NEVADA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court meets two full weeks out of each month, except in July and August. It meets two full weeks out of the month for 8 months in Carson City and two full weeks out of the month for two months in Las Vegas. Terms are held at the seat of state government unless the legislature provides otherwise by law.

[Constitution, Article VI, Sections 1, 7; Administrative Office of the Courts]

1.2 Organization. The Supreme Court does not sit in panels or divisions. Decisions of the court are by majority vote.

[Const., Art. VI, §2; Nevada Revised Statutes (hereinafter N.R.S.) Section 2.010]

1.3 Jurisdiction

a. The Supreme Court may issue writs of mandamus, certiorari, prohibition, habeas corpus, and all writs necessary to the complete exercise of its appellate jurisdiction.

b. The Supreme Court has appellate jurisdiction on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the District Court; in all cases in equity; in all cases at law involving real estate, mining claims, or the legality of property taxes; and in all civil cases not included in the general subdivisions of law and equity.

[Const., Art. VI, §4; N.R.S. §§2.080, 2.100]

1.4 Justices (5)

a. The Chief Justice is selected on the basis of seniority, or by lot if there is more than one justice with the same seniority, and serves a 2-year term.

b. Supreme Court justices must be members of the Nevada Bar, must have been residents of the state for at least 2 years, and must be at least 25 years old.

c. Supreme Court justices are elected to 6-year terms in nonpartisan elections. Vacancies are filled by the Governor from among three nominees selected by the Commission on Judicial Selection (reference Table 12: Characteristics of judicial nominating commissions). Appointees serve until the next general election.

[Const., Art. VI, §§3, 20; N.R.S. §§2.020, 2.030; State Court Administrator]

1.5 Administration

a. The Chief Justice is the administrative head of the court system. He exercises administration and supervision over the entire court system through the State Court Administrator and two District Court chief judges. Reference Section 5.1 (General administrative authority). The Chief Justice has the power to apportion cases among Supreme Court judges.

b. Reference Section 5.2.b (state-level administrator).

c. The Supreme Court appoints a clerk. He has responsibilities as determined by the court.

[Const., Art. VI, §19; N.R.S. §§2.200 to 2.230]

1.6 Rule-making. The Supreme Court has the authority to promulgate rules that regulate original and appellate civil practice and procedure in all courts of the state. Criminal procedure is governed by the Nevada Criminal Procedures Law. The Supreme Court may make rules, not inconsistent with the constitution and laws, for its own government, the government of the District Courts, and the government of the state bar of Nevada.

[N.R.S. §§2.120, 169.015 et. seq.]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Nevada. A resolution to create a Court of Appeal is to be submitted to the voters in 1980.

[Assembly Joint Resolution No. 2, File No. 101]

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court sits in continuous session.

[N.R.S. §§1.120, 1.130]

3.2 Organization. The legislature has provided for 9 judicial districts, 6 of which have one district judge; the other 3 districts have 2, 9, and 12 judges respectively. The District Court is termed the Juvenile Court when it holds juvenile sessions.

[N.R.S. §§3.020, 62.010 et. seq.]

3.3 Jurisdiction

a. The District Court has original jurisdiction in criminal cases not within the jurisdiction of another court; all equity cases; all cases at law involving real property, mining claims, or the legality of any tax; civil cases involving over $300; probate and guardianship matters; forcible entry and unlawful detainer; and cases in which election to a public office is contested. District Court judges also function as Juvenile Court judges, having exclusive original jurisdiction over juvenile matters.

b. The District Court has appellate jurisdiction over cases appealed from courts of limited jurisdiction and may issue necessary writs.

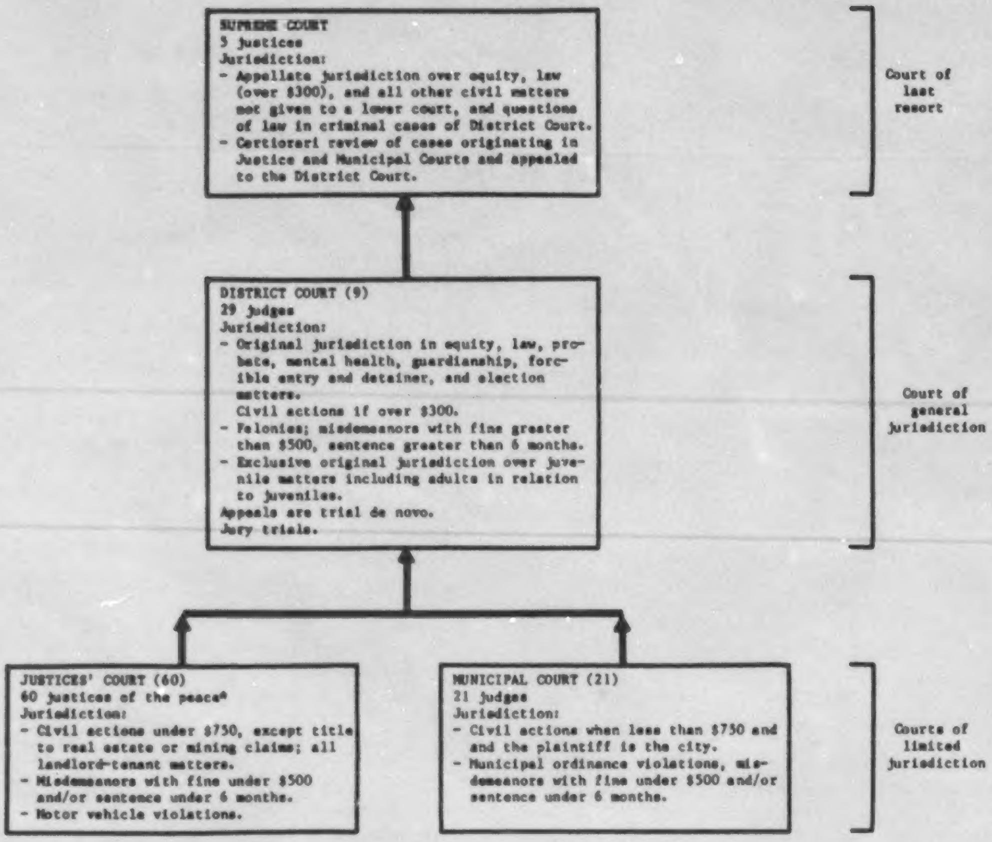
[Const., Art. VI, §6; N.R.S. §§3.190, 3.200, 62]

3.4 Judges (29)

a. There is no provision for a chief judge over all the districts of the District Court. Chief judges are elected by their peers in two of the nine judicial districts and serve a 1-year term.

b. District Court judges must be members of the Nevada Bar, must be at least 25 years of age, and must have been residents of the state for at least 2 years.

Figure 1: Nevada court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Appellate jurisdiction over equity, law (over $300), and all other civil matters not given to a lower court, and questions of law in criminal cases of District Court.
- Certiorari review of cases originating in Justice and Municipal Courts and appealed to the District Court.

DISTRICT COURT (9)
29 judges
Jurisdiction:
- Original jurisdiction in equity, law, probate, mental health, guardianship, forcible entry and detainer, and election matters.
  Civil actions if over $300.
- Felonies; misdemeanors with fine greater than $500, sentence greater than 6 months.
- Exclusive original jurisdiction over juvenile matters including adults in relation to juveniles.

Appeals are trial de novo.
Jury trials.

JUSTICES' COURT (60)
60 justices of the peace*
Jurisdiction:
- Civil actions under $750, except title to real estate or mining claims; all landlord-tenant matters.
- Misdemeanors with fine under $500 and/or sentence under 6 months.
- Motor vehicle violations.

MUNICIPAL COURT (21)
21 judges
Jurisdiction:
- Civil actions when less than $750 and and the plaintiff is the city.
- Municipal ordinance violations, misdemeanors with fine under $500 and/or sentence under 6 months.

↑ Indicates route of appeal.

*Nine justices of the peace also serve as Municipal Court judges.

c. District Court judges are elected to 4-year terms on a nonpartisan basis by the voters of their respective districts at the general elections.

[Const., Art. VI, §5; N.R.S. §§3.025, 3.050, 3.060; State Court Administrator]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, the chief judges of the two multi-judge districts assign cases to the judges of the court, prescribe hours of the court, and adopt rules and regulations to expedite the court business. The chief judges must submit written reports to the clerk of the Supreme Court.

b. There are provisions for an administrator in Clark County.

c. The elected county clerks are ex officio clerks of the District Court. They have responsibilities as determined by the court.

[Const., Art. IV, §32; N.R.S. §§3.025, 250]

3.6 Rule-making. Reference Section 1.6. Local District Court rules of practice have been approved for five judicial districts.

[Local District Court Rules of Practice]

Court of Limited or Special Jurisdiction

4.1.1 JUSTICES' COURT. The Justices' Court sits in continuous session.

[N.R.S. §4.360]

4.2.1 Organization. The Justices' Court serves geographic areas known as townships. There is one Justices' Court in each township of the state, with from one to five justices based on population. There are no specialized divisions of the court.

[N.R.S. §4.020]

4.3.1 Jurisdiction

a. The Justices' Court has jurisdiction over motor vehicle violations, petty larceny, assault and battery (except on an officer or with intent to kill), criminal mischief, and disturbances of the peace. Civil actions involving up to $750 in controversy and landlord-tenant cases, regardless of amount, can be brought in the Justices' Court.

b. The Justices' Court has no appellate jurisdiction.

[N.R.S. §4.370]

4.4.1 Judges (60)

a. The Justices' Courts do not have presiding judges.

b. Justices of the peace must be qualified voters in their jurisdictions. They must attend a required course of instruction upon election.

c. Justices of the peace are elected to 4-year terms in nonpartisan elections by the voters of the townships.

[N.R.S. §§4.010, 4.025, 4.035; State Court Administrator]

4.5.1 Administration

a. There are no provisions for presiding judges for the Justices' Court.

b. There are no provisions for administrators for the Justices' Court. Reference Section 5.2.b (state-level administrator).

c. The Board of County Commissioners may appoint a clerk for the Justices' Court upon the recommendation of the justices of the peace. He is responsible for administering oaths, taking and certifying affidavits and acknowledgments, issuing processes, entering suits on the dockets and all clerical work in connection with records, files, and dockets of the court. He also performs such other duties in connection with the office as the justice of the peace prescribes.

[N.R.S. §4.350]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 MUNICIPAL COURT. The Municipal Court sits in continuous session.

[N.R.S. §5.070]

4.2.2 Organization. A Municipal Court may be established by the legislature in incorporated cities and towns. There are no specialized divisions of the court.

[Const., Art. VI, §1; N.R.S. §§1.010, 5.010]

4.3.2 Jurisdiction

a. The Municipal Court has jurisdiction over misdemeanors punishable by a fine not exceeding $500 and/or imprisonment not exceeding 6 months, ordinance violations, abatement of nuisances, vagrancy and disorderly conduct, petit larceny, minor assault and battery, and breaches of peace. The Municipal Court also has civil jurisdiction when a fine is less than $750.

b. The Municipal Court has no appellate jurisdiction.

[N.R.S. §5.050]

4.4.2 Judges (21). Each Municipal Court is held by one judge, designated as a police judge.

a. The Municipal Courts do not have presiding judges.

b. Municipal Court (police) judges are required to attend a course of instruction upon election.

c. Municipal Court (police) judges are elected by the voters of their respective cities. The term of office is for 1 year unless a longer period is fixed in the acts incorporating the city.

[N.R.S. §§5.010, 5.020, 5.026; State Court Administrator]

4.5.2 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Municipal Court.

4.6.2 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice is the administrative head of the court system. He has the authority to shift District Court judges as needed and to recall retired judges into service. Reference Section 1.5.a.

[Const., Art. VI, §19]

5.2 Administrative Office of the Courts

a. The office is authorized by statute.

b. State Court Administrator

(1) The position is created by statute.

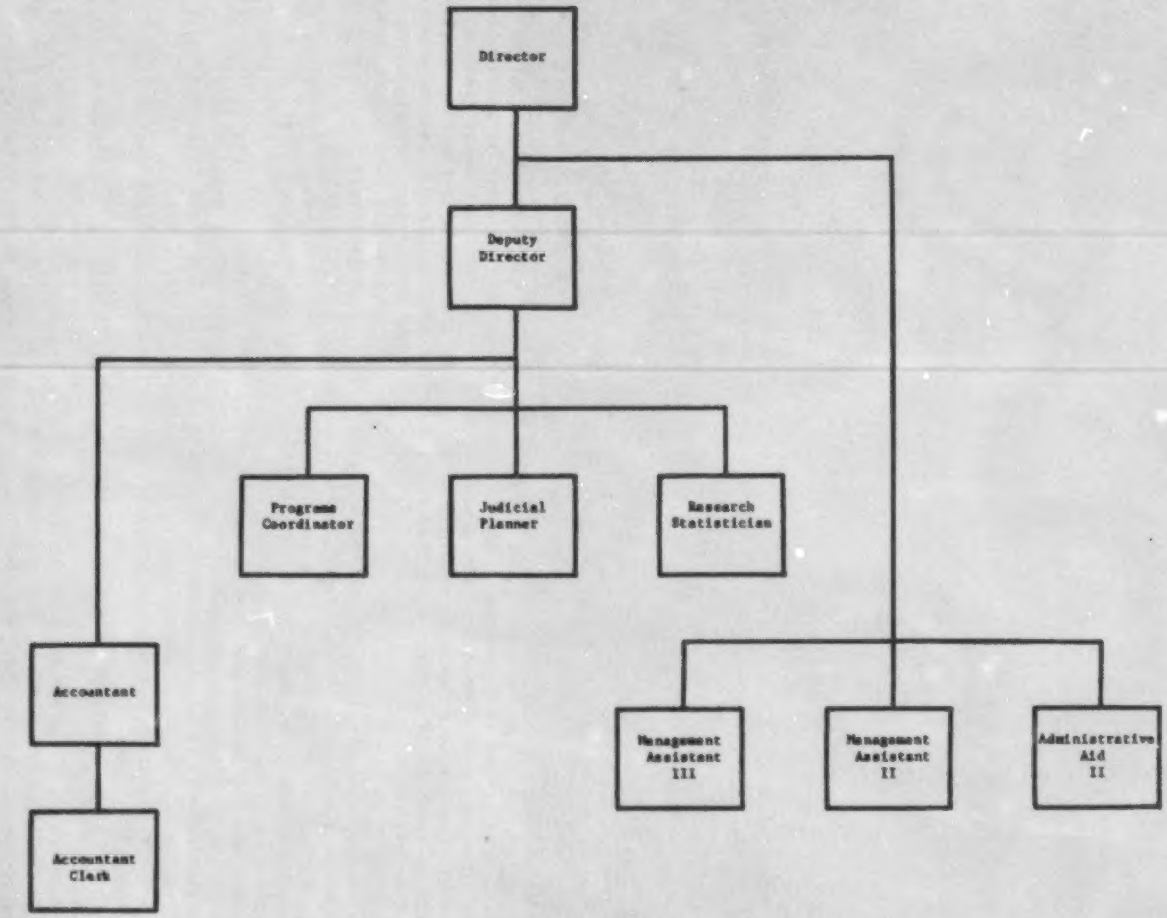
(2) The State Court Administrator is appointed by the Supreme Court and is removable at the pleasure of the court.

(3) The State Court Administrator has the following responsibilities:

(a) Examines administrative methods and systems employed by judges, clerks, court reporters, and other employees.

(b) Examines the status of the dockets in the District Court and determines if assistance is needed.

Figure 2: Nevada state-level administrative office of the courts, 1980


Director
Deputy Director
Programs Coordinator
Judicial Planner
Research Statistician
Accountant
Accountant Clerk
Management Assistant III
Management Assistant II
Administrative Aid II

(c) Recommends assignment of judges.

(d) Collects and compiles statistics and reports to the Supreme Court (through the Chief Justice).

(e) Prepares and submits judicial budget recommendations.

(f) Collects statistical data and reports on expenditures.

(g) Formulates and submits to the Supreme Court recommendations on policies or proposed legislation.

(h) Submits to the Supreme Court an annual report on the administrator's office.

(i) Performs such other duties as may be assigned by the Supreme Court as prescribed by law.

c. Office organization. The Administrative Office of the Courts consists of 10 people: 7 professionals (including the State Court Administrator) and 3 clerical personnel. The professional staff provides support services in the following areas: payroll, accounting, budgeting, and purchasing; education and training; and planning and research activities including statistical compilation, judicial planning, research and statistical analysis.

[N.R.S. §§1.320, 1.330, 1.340, 1.360; State Court Administrator]

Quasi-Judicial Officers

6.1.1 DISTRICT COURT
6.2.1 Juvenile master

a. District Court judges in the Juvenile Division can appoint any person qualified by "previous experience, training, and demonstrated interest in youth welfare" as a master.

b. Masters may swear witnesses and make findings of fact and recommendations on an ad hoc basis. If no hearing by the court is requested, the findings and recommendations of the master become a decree of the court.

[N.R.S. §62.090; Administrative Office of the Courts]

6.1.2 DISTRICT COURT
6.2.2 Probate commissioner

a. Probate commissioners are appointed by the chief judge of the District Court. In practice, probate commissioners are practicing attorneys.

b. Probate Commissioners hold hearings in probate cases at least one day per week with the approval and supervision of the chief judge. They are also responsible for making sure that all petitions are verified.

[N.R.S. 62.090; Administrative Office of the Courts]

Judicial Discipline

7.1 Commission on Judicial Discipline. The commission includes two justices or judges, appointed by the Supreme Court; two members of the state bar, appointed by its Board of Governors; and three nonlawyers, appointed by the Governor.

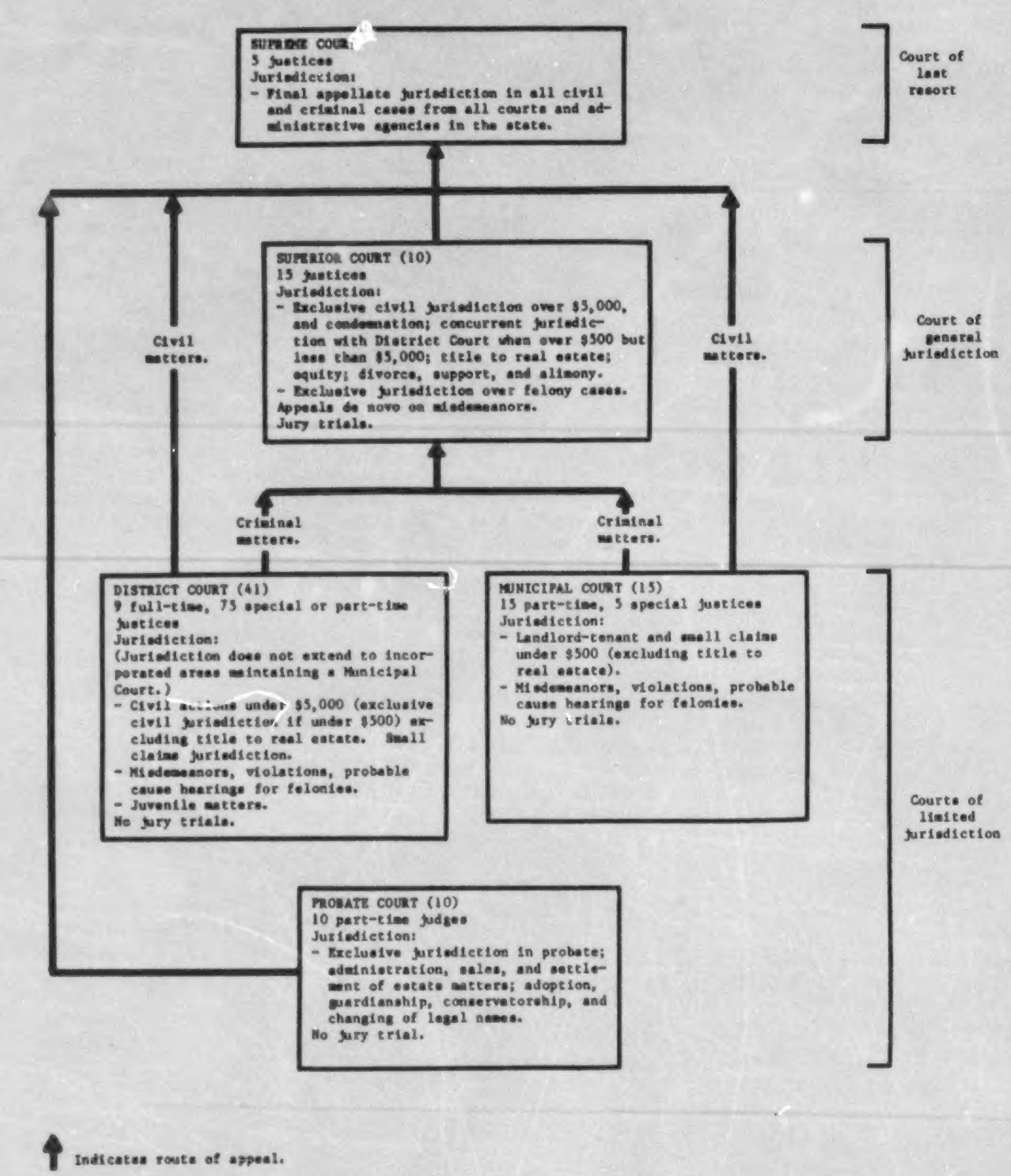
[Const., Art. VI, §21]

7.2 Authority and procedure for sanction. The commission operates under rules provided by the Supreme Court for the confidentiality of all its proceedings except its decision to discipline or remove a judge, the grounds of censure, and the conduct of investigations and hearings. A justice or judge may be removed for willful misconduct, willful or persistent failure to perform his duties, or habitual intemperence. He may be retired for advanced age or for mental or physical disability that interferes with or prevents the proper performance of his duties.

Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission will, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter will be served upon the justice or judge against whom the proceeding is brought. The commission, in its discretion, may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled to receive such compensation as the legislature may provide.

[Const., Art. VI, §21]

Figure 1: New Hampshire court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Final appellate jurisdiction in all civil and criminal cases from all courts and administrative agencies in the state.

SUPERIOR COURT (10)
15 justices
Jurisdiction:
- Exclusive civil jurisdiction over $5,000, and condemnation; concurrent jurisdiction with District Court when over $500 but less than $5,000; title to real estate; equity; divorce, support, and alimony.
- Exclusive jurisdiction over felony cases.

Appeals de novo on misdemeanors.
Jury trials.

DISTRICT COURT (41)
9 full-time, 75 special or part-time justices
Jurisdiction:
(Jurisdiction does not extend to incorporated areas maintaining a Municipal Court.)
- Civil actions under $5,000 (exclusive civil jurisdiction if under $500) excluding title to real estate. Small claims jurisdiction.
- Misdemeanors, violations, probable cause hearings for felonies.
- Juvenile matters.

No jury trials.

MUNICIPAL COURT (15)
15 part-time, 5 special justices
Jurisdiction:
- Landlord-tenant and small claims under $500 (excluding title to real estate).
- Misdemeanors, violations, probable cause hearings for felonies.

No jury trials.

PROBATE COURT (10)
10 part-time judges
Jurisdiction:
- Exclusive jurisdiction in probate; administration, sales, and settlement of estate matters; adoption, guardianship, conservatorship, and changing of legal names.

No jury trial.

Court of last resort
Court of general jurisdiction
Courts of limited jurisdiction
Civil matters.
Civil matters.
Criminal matters.
Criminal matters.
Indicates route of appeal.

NEW HAMPSHIRE

Court of Last Resort

1.1 SUPREME COURT. The court sits for one general term each year in Concord. The justices, unless they shall order otherwise, meet the first Tuesday of each month, except in the month of August.

[New Hampshire Revised Statutes Annotated (hereinafter R.S.A.) §490:6 (Supp. 1979)]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has general superintendence over all trial courts and may issue extraordinary writs.

b. The Supreme Court has appellate jurisdiction over questions of law from all courts and administrative agencies in the state.

[R.S.A. §§490:4, 491:17, 502:24, 502-A:17a, 541:6, 567-A:1]

1.4 Justices (5)

a. The Chief Justice is nominated and appointed by the Governor and Executive Council (reference Table 12: Characteristics of judicial nominating commissions) and serves until the mandatory retirement age of 70.

b. Supreme Court justices' qualifications are not set by constitution or statute, however, since the 1940's it has been the custom of the Governor and Executive Council to appoint trial justices of the Superior Court to the Supreme Court.

c. Supreme Court, Superior Court, District Court, Municipal Court justices, and Probate Court judges are nominated and appointed by the Governor with the concurrence of a majority of the members of the Executive Council. The council is composed of five councilors elected biennially by the voters. All justices and judges hold their offices "during good behavior" until age 70.

[Constitution, Part 2, Articles 46, 60, 73, 78; R.S.A. §493:2]

1.5 Administration

a. The Chief Justice is the administrative head over all the courts. He exercises administration and supervision over the entire court system through the Administrative Judge of the Supreme Court, the Director of Administrative Services to the Superior Court, the chief justice and Administrative Assistant of the Superior Court, and the Administrative Committee of the District and Municipal Courts. Reference Section 5.1 (General administrative authority).

The Chief Justice is responsible for supervising the efficient operation of the Supreme Court.

b. Reference Sections 5.2.b and 5.2.c (state-level administrator).

c. The Supreme Court clerk is appointed by and serves at the pleasure of the Supreme Court. The position is authorized by statute. At present, the clerk also fills the position of reporter of decisions. He is responsible for personnel administration, financial and records management, and office organization of the Supreme Court.

[Const., Part 2, Art. 73-A; R.S.A. §§490:19, 490A:2]

1.6 Rule-making. The constitution of the state specifies that the Chief Justice, with the concurrence of a majority of the Supreme Court justices, makes rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated have the force and effect of law.

[Const., Part. 2, Art. 73-A]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in New Hampshire.

Court of General Jurisdiction

3.1 SUPERIOR COURT. Court rules designate the time for holding terms of court. Statutes require at least two terms annually in each county.

[R.S.A. §496:1]

3.2 Organization. The court sits in each of the state's 10 counties, normally at the county seat of government. At least one justice sits at each court location.

[R.S.A. §496:1]

3.3 Jurisdiction

a. The Superior Court sits at both law and equity and has original and exclusive jurisdiction over felony offenses, civil actions where the amount in controversy exceeds $5,000, and condemnation proceedings. The court has concurrent jurisdiction with the District Court over misdemeanor offenses and civil actions where the amount in controversy exceeds $500 but is less than $5,000 and the title to real estate is not involved. Jury trials are not held in the limited jurisdiction courts; therefore, all matters requiring juries are brought before the Superior Court.

b. The Superior Court hears misdemeanor and violation appeals de novo from the District and Municipal Courts.

[Const., Pt. 1, Art. 15, Pt. 1, Art. 20; R.S.A. §§491:7, 498:1, 498-A:3, 592-A:2]

3.4 Justices (15)

a. The chief justice of the Superior Court is nominated and appointed by the Governor with the consent of the council, and serves until age 70. The Superior Court designates a presiding justice for the individual counties in each term of court.

b. Superior Court justices' qualifications are not set by constitution or statute. In practice, Superior Court justices are members of the New Hampshire Bar Association whose names are submitted to the bar for comment prior to appointment by the Governor and Executive Council.

c. Superior Court justices are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const., Part 2, Art. 78; R.S.A. §493:2]

3.5 Administration

a. The chief justice of the Superior Court serves as the administrative head of the court. Presiding justices for the individual counties are designated by the chief justice each term of court.

b. An administrative assistant is appointed by the chief justice. The assistant serves as the fiscal officer of the Superior Court and performs other duties as required by the chief justice. Clerks serve as the administrators for the individual courts.

c. Superior Court clerks are constitutional officers. The justices of the Superior Court appoint a clerk for each of the state's 10 counties. The clerks serve at the pleasure of the justices. They are usually attorneys. The clerks administrate the individual courts. In addition, they are responsible for personnel administration, financial and records management, and office organization of the Superior Court.

[Const., Part 2, Art. 82; R.S.A. §499:1; Administrative Assistant]

3.6 Rule-making. The court, acting as a body, may from time to time establish rules and orders of practice, consistent with the laws, for conducting and regulating its business. Such rules must be approved by the Supreme Court. Administrative rules relating to the Superior Court can be issued by the Chief Justice of the Supreme Court.

[Const., Part 2, Art. 73-A; R.S.A. §490-A:3]

Courts of Limited or Special Jurisdiction

4.1.1 PROBATE COURT. Court terms for each court are specified in the statutes.

[R.S.A. §549:1 to §549:10]

4.2.1 Organization. The Probate Court is a state court with 10 separate branches, one in each county. There are no specialized divisions of the court.

[R.S.A. §547:3]

4.3.1 Jurisdiction

a. The Probate Court has jurisdiction over the probate of wills, the granting of administration, and over all matters and things of probate jurisdiction relating to the sale, settlement, and final distribution of estates. It has concurrent jurisdiction with the Superior Court to interpret and construct wills and testamentary trusts. The court also appoints and removes conservators and guardians of minors, mentally incompetent persons, and spendthrifts. The court's jurisdiction also extends to the adoption of children, the assignment of homestead in the estates of deceased persons, and the changing of legal names.

b. The Probate Court has no appellate jurisdiction.

[Const., Part 2, Art. 80; R.S.A. §§170-B:11, 547:3, 547:4, 547:5, 547:7]

4.4.1 Judges (10 part-time)

a. A presiding judge is appointed for each county.

b. Probate Court judges' qualifications are not set by constitution or statute. In practice, Probate Court judges are members of the New Hampshire Bar Association whose names are submitted to the bar for comment prior to appointment by the Governor and Executive Council.

c. Probate judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.S.A. Section 547]

4.5.1 Administration

a. Each Probate Court has a presiding judge.

b. The registers provide day-to-day administration of the Probate Court. Reference Section 4.5.1.c below.

c. Registers of probate are constitutional officers elected to 2-year terms by the voters of the counties. The registers are responsible for personnel administration, financial and records management, and office organization of the Probate Court.

[Const., Part 2, Art. 71; R.S.A. §64:1]

4.6.1 Rule-making. The Supreme Court may promulgate procedural rules for the Probate Court. A majority of the state's probate judges may also promulgate rules that are subject to the approval of the Supreme Court.

[R.S.A. §547:33]

4.1.2 DISTRICT COURT. Each District Court judge determines his own sessions.

[R.S.A. §§502-A:1, 502-A:2]

4.2.2 Organization. The state is divided into 41 judicial districts. Boundaries of each district are specified in the statutes. There are no specialized divisions of the court.

[R.S.A. §502-A:1]

4.3.2 Jurisdiction

a. The District Court has original jurisdiction over all crimes and offenses involving a fine not exceeding $1,000, or imprisonment up to 1 year, or both. The court's criminal jurisdiction does not extend to those incorporated areas still maintaining their Municipal Courts. The court's exclusive civil jurisdiction extends to civil cases not involving title to real estate or exceeding $500. The court has concurrent jurisdiction with the Superior Court in actions not involving title to real estate and not exceeding $5,000. Original juvenile proceedings are conducted in the District Court.

b. The District Court has no appellate jurisdiction.

[R.S.A. §§169:B-D, 502-A:11, 502-A:14]

4.4.2 Justices (9 full-time; 75 special or part-time)

a. Statutes specify that each District Court shall consist of one justice and one special justice (who substitutes when a justice is disabled or disqualified for a case).

b. District Court justices must be county residents and "be a learned, able and discreet person(s) specially qualified by training and experience for the performance of his (their) duties." Wherever possible, justices and special justices are chosen from qualified persons who are also members of the Bar of New Hampshire.

c. District Court justices are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.S.A. §§502-A:3, 502-A:4]

4.5.2 Administration

a. Each District Court has a presiding judge.

b. There are no provisions for administrators over all the districts of the District Court. The Administrative Committee of the District and Municipal Courts serves in an advisory capacity with regard to administrative procedures. Committee members are appointed by the Supreme Court. The committee consists of three District Court justices and two Municipal Court justices. It superintends the keeping of court records and it has general advisory powers in relation to the District and Municipal Courts. The committee employs a full-time executive secretary or director, and one full-time secretary.

c. District Court clerks are constitutional officers, who are appointed by and serve at the pleasure of the District Court justices. Some of their duties include personnel administration, financial and records management, and office organization of the District Court.

[Const., Part 2, Arts. 73-A, 82; R.S.A. §§502-A:7, 502-A:8, 502-A:18, 502-A:19-a]

4.6.2 Rule-making. District Court rules relating to practice, procedure, forms, and records are promulgated by the Supreme Court. Such promulgations are normally based on the recommendations of the Administrative Committee of the District and Municipal Courts. The latest rules of the District and Municipal Courts were approved by the Supreme Court on May 1, 1979, to take effect on July 3, 1979.

[Const., Part 2, Art. 73-A; R.S.A. §§502-A:18, 502-A:19-a]

4.1.3 MUNICIPAL COURT. Each court determines its own sessions. These courts are gradually being phased out of existence pursuant to statute.

[R.S.A. §§502:4; 502:31; 502:A-35]

4.2.3 Organization. There are presently 15 Municipal Courts in New Hampshire. The geographic jurisdiction of each Municipal Court extends to the boundaries of the town in which it is located. There are no specialized divisions of the court.

[R.S.A. §502-18]

4.3.3 Jurisdiction

a. The Municipal Court has the same criminal jurisdiction as the District Court. Reference Section 4.3.2.a. The Municipal Court has civil jurisdiction over landlord and tenant actions and small claims cases not exceeding $500, neither of which may involve title to real estate.

b. The Municipal Court has no appellate jurisdiction.

[R.S.A. §§502:18, 503:1, 503:3-a]

4.4.3 Justices (15 part-time, 5 special justices)

a. Statutes specify that each Municipal Court will consist of one justice and one special justice.

b. Municipal Court justices must be "learned, able, and discreet."

c. Municipal Court justices are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.S.A. §502:1]

4.5.3 Administration

a. Each Municipal Court has a presiding justice.

b. There are no provisions for administrators over all the municipalities of the Municipal Court. The Administrative Committee of the District and Municipal Courts serves in an advisory capacity with regard to administrative procedures. Reference Section 4.5.2.c.

c. The duties of the Municipal Court clerks are prescribed by statute. Some of their duties include personnel administration, financial and records management, and office organization of the Municipal Court.

[R.S.A. §502:14 (Supp. 1979)]

4.6.3 Rule-making. Municipal Court rules are promulgated by the Supreme Court based on the recommendations of the Administrative Committee of the District and Municipal Courts. Reference Section 4.6.2.

State-Level Administration

5.1. General administrative authority. The Chief Justice is consitutionally designated as the administrative head over all the courts. With the concurrence of a majority of the Supreme Court justices, he may issue administrative rules for all courts of the state. Such rules have the force and effect of law. Reference Section 1.5.a.

[Const., Part 2, Art. 73-A]

5.2 Administrative Office of the Courts

a. There is no established administrative office of the courts in New Hampshire.

b. Director of Administrative Services to the Supreme Court

(1) The position of Director of Administrative Services to the Supreme Court was established by the Supreme Court through a grant from the New Hampshire Crime Commission.

(2) The Director of Administrative Services must be a graduate of a four-year college, with a degree in public administration, business administration, or a related field. He must have had extensive prior experience in court administration.

(3) A contractual employee, the Director of Administrative Services performs the following duties:

(a) Coordinates administrative services to all elements of the court system.

(b) Develops sound records management and accounting procedures.

(c) Establishes centralized purchasing.

(d) Develops and maintains the management information system.

(e) Creates and administrates a court system personnel structure.

(f) Coordinates required research and development activities.

(g) Processes all requests for forms revision, rules revision, and requests for federal and private funding for the courts.

c. Administrative Judge of the Supreme Court.

(1) In March 1978, the Supreme Court issued an order establishing the position of Administrative Judge. The order appointed an associate justice of the Supreme Court to fill the position.

(2) The order directed the Administrative Judge to perform the following duties:

(a) Advise, assist, and make recommendations to the Supreme Court in respect to developing and implementing standards, policies, plans, and programs for improving the administration, coordination, and effectiveness of the court system.

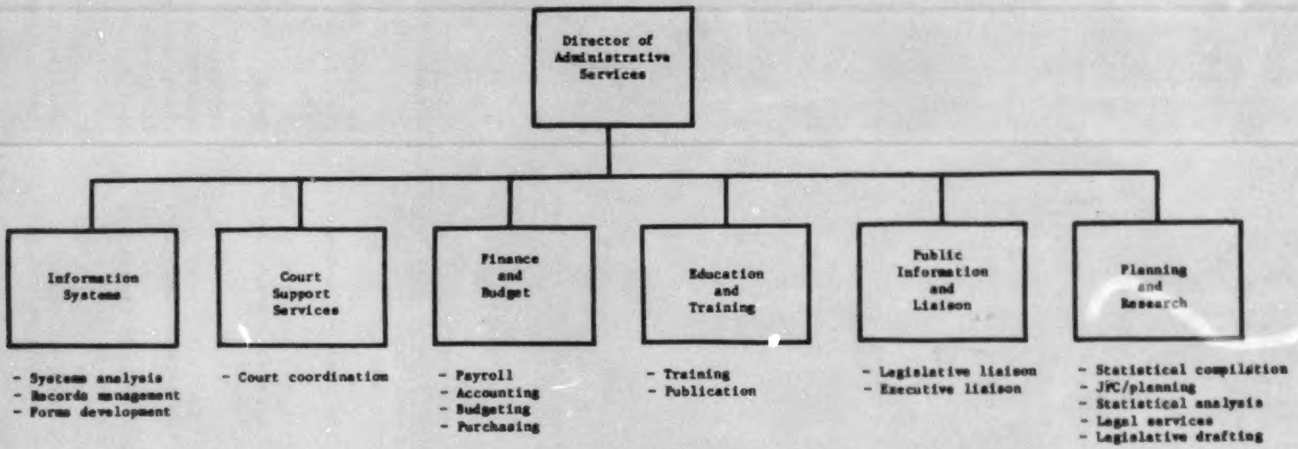
(b) Make recommendations to the Supreme Court for proposed laws and programs to improve the administration, coordination, and effectiveness of the court system.

(c) Promote cooperation and coordination between the administrative offices of the court.

(d) Study and recommend improvements in the administration of Supreme Court committees, including but not limited to organization, operations, budget, jurisdiction, rules and procedures, and administrative, clerical, fiscal, and personnel practices.

(e) Request and receive from any court administrative office such assistance, information, and data as required.

Figure 2: New Hampshire state-level administrative office of the courts, 1980


Director of Administrative Services
Information Systems
Court Support Services
Finance and Budget
Education and Training
Public Information and Liaison
Planning and Research
- Systems analysis
- Records management
- Forms development
- Court coordination
- Payroll
- Accounting
- Budgeting
- Purchasing
- Training
- Publication
- Legislative liaison
- Executive liaison
- Statistical compilation
- JPC/planning
- Statistical analysis
- Legal services
- Legislative drafting

(f) Supervise the collection, compilation, and publication of statistics and other court-related data.

(g) Make a monthly report concerning his work and an annual report on the state of the court system.

(h) Exercise additional powers and perform other functions and duties as assigned by the Supreme Court.

d. Office organization. There are no provisions for an administrative office of courts or staff at this time. There are, however, six staff members providing services in the following areas: systems analysis, records management, and forms development; court coordination; payroll, accounting, budgeting, and purchasing; training, publications, legislative liaison, and executive liaison; and planning and research activities including statistical compilation, judicial planning, research, statistical analysis, legal services, and legislative drafting.

[Supreme Court Order, March 9, 1978; Director of Administrative Services]

Quasi-Judicial Officers

6.1.1 SUPREME COURT AND SUPERIOR COURT

6.2.1 Judicial referee

a. Retired justices may be assigned to assist either court.

b. Judicial referees may be assigned to hear and determine particular cases in either court or may be assigned by the Chief Justice of the Superior Court to assist the justice of the Superior Court in any county in the general disposition of any matters pending in the court. Referees, however, are not authorized to preside at trials by jury or to enter judgments.

[R.S.A. §§491.23, 493-A:1]

6.1.2 SUPERIOR COURT

6.2.2 Auditor, master, marital master, and referee

a. The Superior Court may appoint auditors, masters, and referees.

b. In actions referred to auditors, masters, and referees, the hearing proceeds according to the rules of law or equity and the practice in court. Marital masters hear contested and uncontested domestic relations cases. The report of a master, auditor, or referee is presented to the justice for his order and thereafter sent to the counsel, who preserve their rights as though the case were originally heard by a justice of the Superior Court.

[Superior Court Rules, 81 to 85]

Judicial Discipline

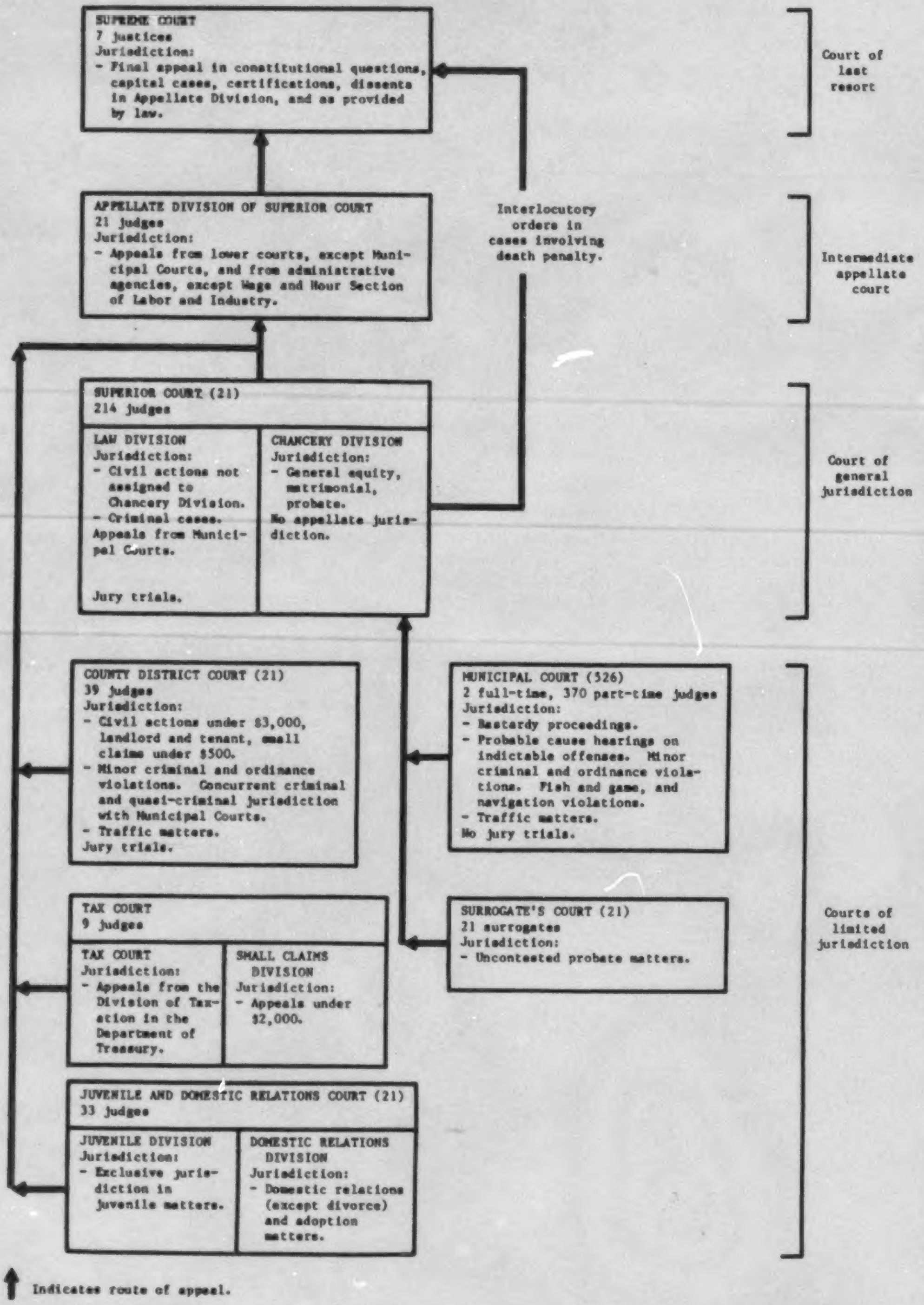
7.1 Committee on Judicial Conduct. The committee consists of seven members appointed by the Supreme Court. It includes one active or retired Supreme Court justice, one active or retired Superior Court justice, one District or Probate Court judge, two members of the state bar, and two citizens.

[Supreme Court Rule 39]

7.2 Authority and procedure for sanction. The committee considers all complaints submitted in writing and signed by a complainant having standing, and not obviously unfounded or frivolous, alleging a violation of the Code of Judicial Conduct. After receiving notice of the complaint, the judge has 20 days to submit his answer. If a formal hearing is deemed necessary, 30 days notice must be given to both parties. If it appears that a violation has occurred, the committee forwards a report of its findings to the Supreme Court together with a record of the proceedings. All hearings and proceedings of the committee are private and all records are confidential. Upon receipt of the report, the Supreme Court schedules a private hearing, at which the judge can appear in person or be represented by counsel. The judge will be heard on the facts and the law. The court then files a written opinion directing such disciplinary action as it finds just and proper, or exonerating the judge complained against. It may also return the matter to the committee with the direction that an oral reprimand be given. Only the final written opinion and judgment of the Supreme Court ordering disciplinary action shall be made public.

[Supreme Court Rule 39]

Figure 1: New Jersey court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Final appeal in constitutional questions, capital cases, certifications, dissents in Appellate Division, and as provided by law.
Court of last resort
APPELLATE DIVISION OF SUPERIOR COURT
21 judges
Jurisdiction:
- Appeals from lower courts, except Municipal Courts, and from administrative agencies, except Wage and Hour Section of Labor and Industry.
Interlocutory orders in cases involving death penalty.
Intermediate appellate court
SUPERIOR COURT (21)
214 judges
LAW DIVISION
Jurisdiction:
- Civil actions not assigned to Chancery Division.
- Criminal cases.
Appeals from Municipal Courts.
Jury trials.
CHANCERY DIVISION
Jurisdiction:
- General equity, matrimonial, probate.
No appellate jurisdiction.
Court of general jurisdiction
COUNTY DISTRICT COURT (21)
39 judges
Jurisdiction:
- Civil actions under $3,000, landlord and tenant, small claims under $500.
- Minor criminal and ordinance violations. Concurrent criminal and quasi-criminal jurisdiction with Municipal Courts.
- Traffic matters.
Jury trials.
MUNICIPAL COURT (526)
2 full-time, 370 part-time judges
Jurisdiction:
- Bastardy proceedings.
- Probable cause hearings on indictable offenses. Minor criminal and ordinance violations. Fish and game, and navigation violations.
- Traffic matters.
No jury trials.
TAX COURT
9 judges
TAX COURT
Jurisdiction:
- Appeals from the Division of Taxation in the Department of Treasury.
SMALL CLAIMS DIVISION
Jurisdiction:
- Appeals under $2,000.
SURROGATE'S COURT (21)
21 surrogates
Jurisdiction:
- Uncontested probate matters.
JUVENILE AND DOMESTIC RELATIONS COURT (21)
33 judges
JUVENILE DIVISION
Jurisdiction:
- Exclusive jurisdiction in juvenile matters.
DOMESTIC RELATIONS DIVISION
Jurisdiction:
- Domestic relations (except divorce) and adoption matters.
Courts of limited jurisdiction
Indicates route of appeal.

NEW JERSEY

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Trenton unless the Chief Justice or a presiding judge deems it temporarily necessary or desirable to convene court elsewhere. The court holds one term annually, commencing on the date fixed by the Chief Justice.

[Rules Governing the Courts of the State of New Jersey (hereinafter Rules) R.1:30-2, R.2:13-3]

1.2 Organization. Five justices constitute a quorum. The Supreme Court does not sit in panels or divisions.

[Rules, R.2:13-26]

1.3 Jurisdiction

a. The Supreme Court may exercise such original jurisdiction as may be necessary to the complete determination of any matter on review. Necessary temporary relief, stays, and emergency orders may be granted, with or without notice, by a single justice of the court. The Supreme Court has jurisdiction over the admission to the practice of law and the discipline of persons admitted.

b. The Supreme Court exercises appellate jurisdiction in the last resort in all cases provided in the constitution.

Appeals may be taken to the Supreme Court from final judgments as of right: (a) in cases determined by the Appellate Division of the Superior Court involving substantial questions under the federal or state constitution; (b) in cases where there is dissent in the Appellate Division of the Superior Court; (c) in capital cases; and (d) in such other cases as provided by law. In practice, appeals may be certified to the Supreme Court by the Superior Court and, where provided by rules of the Supreme Court, by the courts of limited jurisdiction.

Appeals may be taken to the Supreme Court by its leave from interlocutory orders (a) of trial courts in cases where the death penalty has been or may be imposed and in postconviction proceedings in cases in which the death penalty was imposed; (b) of the Appellate Division when necessary to prevent irreparable injury and; (c) on certification by the Supreme Court to the Appellate Division pursuant to Rule R.2:12-1.

[Constitution, Article 6, Section 5, Paragraph 3; Const., Art. 6, §2, ¶2; Const., Art. 6, §2, ¶3; Const., Art. 6, §5, ¶1; Rules, R.2:2-1, R.2:9-8, R.2:10-5.; Administrative Director of the Courts]

1.4 Justices (7)

a. The Chief Justice is designated by the Governor upon his appointment to the court. He serves a 7-year term, and can be reappointed until age 70.

b. Supreme Court justices, prior to their appointments, must have been admitted to the practice of law in New Jersey for at least 10 years.

c. The Governor nominates and appoints Supreme Court justices, with the advice and consent of the Senate. No nomination may be sent to the Senate for confirmation until after 7 days public notice by the Governor. Justices serve an initial 6-year term, and, upon reappointment, serve until retirement. All vacancies are treated alike in that all judges are appointed for full terms.

[Const., Art. 6, §6, ¶1; Const., Art. 6, §6, ¶2; Const., Art. 11, §4, ¶1; Administrative Director of the Courts]

1.5 Administration

a. The Chief Justice is the administrative head of the courts in the state. He exercises administration and supervision of the entire court system through the Administrative Director of the Courts, the presiding judge of the Appellate Division, the assignment judges and trial court administrators of the Superior Court vicinages, and the presiding judge of the Tax Court. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by the court and is supervised by the Administrative Director of the Courts (reference Section 5.2.b). In practice, the clerk is responsible for serving as Secretary to the Board of Bar Examiners, the Committee on Character, and the Trial Attorney Certification Board. In these capacities, the clerk directs the administration of bar admissions and is responsible for the administrative end of the specialized program. He is also responsible for processing all appellate matters for the court from the initiation of cases to the filing of opinions; processing disciplinary matters; hiring and promoting employees in the Office of the Clerk (with the exception of the deputy clerk) in accordance with Civil Service regulations; developing forms for use in the above functions; and handling administrative matters in areas not handled by the Administrative Director of the Courts.

[Const., Art. 6, §7, ¶3; New Jersey Statutes Annotated (hereinafter N.J.S.A.) Section 2A:1-2, Administrative Director of the Courts]

1.6 Rule-making. The Supreme Court makes rules governing the administration of all courts in the state, and subject to law, the practice and procedure in all such courts.

[Const., Art. 6, §2, ¶3]

Intermediate Appellate Court

2.1 APPELLATE DIVISION OF THE SUPERIOR COURT. The Appellate Division sits in Trenton, Newark, and Hackensack unless the Chief Justice or the presiding judge of the Appellate Division deems it temporarily necessary or desirable to convene court elsewhere. The court holds one term annually commencing on such date as fixed by the Chief Justice.

[Rules R.1:30-2, R.2:13-3]

2.2 Organization. The Appellate Division sits in parts, each consisting of three judges, as the Chief Justice designates. The number of parts is determined by the rules of the Supreme Court. At present, there are seven parts. Unless the parties agree to a panel of two judges, all three judges must sit to form a quorum.

[Const., Art. 6, §3, ¶3; Rules, R.2:13-2; Administrative Director of the Courts]

2.3 Jurisdiction

a. The Appellate Division may exercise such original jurisdiction as may be necessary to the complete determination of any cause on review.

b. The Appellate Division may hear appeals as a matter of right from the Law and Chancery Divisions of the Superior Court; from the County District Court and from the Juvenile and Domestic Relations Court only in civil cases other than bastardy and paternity proceedings; from summary contempt proceedings in all trial courts except Municipal Courts; and from administrative adjudications or rule-making proceeenings so long as further administrative review is not possible. The Appellate Division also hears appeals from the Tax Court.

[Const., Art. 6, §5, ¶2; Const. Art. 6, §5, ¶3; N.J.S.A. §§2A:3A-10, 2A:4-40, 2A:10-3, 2A:18-4; Rules, R.2:2-3]

2.4 Judges (currently 21; number varies depending on workload)

a. A presiding judge for administration is designated by the Chief Justice as being responsible for the administration of the Appellate Division. The presiding judge serves at the pleasure of the Chief Justice. There is also a presiding judge for each part of the Appellate Division.

b. Appellate Division judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Appellate Division judges are Superior Court judges, who are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. Assignments to the Appellate Division of the Superior Court are made by the Chief Justice. Assignments are made annually, but once assigned, a judge often remains indefinitely on the Appellate Division.

[Const., Art. 6, §7, ¶2; Rules R.2:13-1(b); Administrative Director of the Courts]

2.5 Administration

a. The presiding judge for administration is responsible for the general administration of the Appellate Division. He is responsible for the following duties: controlling caseflow; supervising judges' productivity and conduct; making recommendations to the Chief Justice as to assignment of judges to parts in the Appellate Division; making recommendations to the Supreme Court as to cases for certiorari; interpreting court rules; developing and implementing administrative policies; and supervising operations of the Office of the Clerk of the Appellate Division.

b. There is no provision for an administrator for the Appellate Division. Reference Section 5.2.b (state-level administrator).

c. The Supreme Court appoints a deputy clerk who serves as clerk of the Appellate Division. The clerk is generally responsible to the Administrative Director of the Courts and the Chief Justice. The clerk is responsible for the calendar of the Appellate Division.

[N.J.S.A. §2A:2-7; Rules, R.2:13-1(b); Administrative Director of the Courts]

2.6 Rule-making. Reference Section 1.6.

Court of General Jurisdiction

3.1 SUPERIOR COURT. The Superior Court holds one term annually, commencing on the date fixed by the Chief Justice. Within each term of the Superior Court, 3 sessions are held at times fixed by the Chief Justice.

[Rules, R.1:30-2]

3.2 Organization. The Superior Court is divided into the Appellate (reference Intermediate Appellate Court above), Law, and Chancery Divisions. The Chancery and Law Divisions are divided into such parts as may be provided by the rules of the Supreme Court. The 21 counties in which the Law Division sits are divided into 12 vicinages, each consisting of 1 or more counties.

[Const., Art. 6, §3, ¶3; Administrative Director of the Courts]

3.3 Jurisdiction

a. The Law Division has general jurisdiction over all criminal matters and all civil proceedings not assigned to the Chancery Division. Both divisions may hear cases involving both law and equity. Probate matters, when contested, are transferred from the Surrogate's Court to either the Law or Chancery Division of the Superior Court, depending on the type of relief sought.

The Chancery Division has jurisdiction over general equity, probate, and domestic relations cases, including exclusive jurisdiction over divorce proceedings. The Superior Court has concurrent jurisdiction with the Juvenile and Domestic Relations Court as to custody, child support, and civil commitments. (Reference Section 4.3.2.a) The Superior Court also has criminal jurisdiction over the child abuser.

b. The Law Division has appellate jurisdiction over appeals from the Municipal Court and over the decisions of certain administrative agencies. The Chancery Division has no appellate jurisdicton.

[Const., Art. 6, §3, ¶4; Rules, R.4:3-1(a)(1), R.4:71-1, R.4:75, R.4:94-1(b); Administrative Director of the Courts]

3.4 Judges (214)

a. There is no provision for a chief judge over the Law and Chancery Divisions. The Chief Justice, however, designates a judge of the Superior Court as assignment judge for each vicinage, to serve at his pleasure.

b. Superior Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Superior Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Rules, R.1:33-1]

3.5 Administration

a. Whereas there is no provision for a chief judge over the Law and Chancery Divisions, the assignment judge of each vicinage is responsible for the administration of all courts in his jurisdiction. His duties include supervision of judges, clerks, and jury commissioners; management of court calendars; and implementation and enforcement of the rules and policies of the court system.

b. There is no provision for an administrator over the Law and Chancery Divisions. Assignment judges are assisted by trial court administrators in each vicinage chosen by joint selection by the Administrative Director and the respective assignment judge. The duties of the administrators include the following: preparation and submission of the budgets for courts; the recruiting, hiring, training, evaluating, and monitoring of personnel for the courts; management of space, equipment, and facilities; dissemination of information concerning the courts; procurement of supplies and services; preparation of reports; jury management; study and improvement of caseflow; time standards and calendaring; research and development of effective administrative improvement; the ensuring of the appearance of defendants before the court after arrest; research planning, and development of reform projects; and liaison with other elements of the state and local criminal justice and social service systems.

c. The clerks of the Superior Court are appointed by the Supreme Court and must be attorneys. They are responsible for the following duties: recording, filing, docketing, and processing court pleadings; maintaining a central file of all wills; storing and retrieving all records of the court; processing uncontested foreclosure matters; maintaining the court's trust fund; and collecting all fees for Law and Appellate Division matters.

[Const., Art. 6, §7, ¶3; N.J.S.A. §2A:2-3; Rules, R.1:33-3, R.1:34-2; Criminal Justice Plan for New Jersey, p. 13; Administrative Director of the Courts]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY DISTRICT COURT. The County District Court holds one term annually, commencing on the date fixed by the Chief Justice.

[Rules, R.1:30-2]

4.2.1 Organization. There is one County District Court in each county. Whenever any County District Court exercises its criminal jurisdiction, the court may be divided into criminal and civil parts. A Small Claims Division may be established.

[N.J.S.A. §§2A:6-14, 2A:6-38, 2A:6-43; Annual Report, p. xiii]

4.3.1 Jurisdiction

a. The County District Court has jurisdiction in civil actions involving $3,000 or less; landlord-tenant cases; creditors' actions against decedents' estates; and small claims involving less than $500. The court has concurrent jurisdiction with the Municipal Court in ordinance violations and nonindictable offenses.

The Small Claims Division has jurisdiction where the sum involved is less than $500, has jurisdiction in actions in contract, actions for property damages resulting from negligence in a motor accident, and actions between a landlord and tenant involving a security deposit.

b. The County District Court has no appellate jurisdiction.

[N.J.S.A. §§2A:6-34, 2A:6-42]

4.4.1 Judges (39)

a. In each county a County District Court judge is designated as presiding judge by rule of the Supreme Court, and serves at the pleasure of the Chief Justice.

b. County District Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. County District Court judges are appointed by the Governor, by and with the advice of the Senate.

[N.J.S.A. §§2A:4-7.4, 2A:6-3.5, 2A:6-8, 2A:6-8.1, 2A:6-9, 2A:6-11; Rules, R.1:33-1; Administrative Director of the Courts]

4.5.1 Administration

a. The presiding judges of the counties of the County District Court have no specifically articulated administrative duties. The assignment judges of the Superior Court vicinages are primarily responsible for the administration of the County District Court. Reference Section 3.5.1.a.

b. There are no provisions for administrators of the County District Court in each county. The trial court administrators of the Superior Court vicinages assist the assignment judges. Reference Section 3.5.1.b.

c. The clerk of the County District Court is appointed by the presiding judge. The clerk's duties are determined by the judge or presiding judge of the court, the assignment judge of the Superior Court, or the Administrative Director of the Courts. The clerk is responsible for the following duties: supervising or assisting in the supervision of clerical, bookkeeping and related employees working for the court; interviewing, selecting, disciplining, and dismissing staff employees as required; training or assisting in the training of newly hired employees; assisting in budget preparation; preparing and following up on purchase requisitions, personnel actions, and court orders; receiving and acting upon complaints regarding court operations; and assigning cases to court calendar and notifying all persons involved.

[N.J.S.A. §2A:6-16; Rules, R.1:34-2; Administrative Director of the Courts]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 JUVENILE AND DOMESTIC RELATIONS COURT. The Juvenile and Domestic Relations Court holds one term annually, commencing on the date fixed by the Chief Justice.

[Rules, R.1:30-2]

4.2.2 Organization. There is one Juvenile and Domestic Relations Court in each county. In counties with more than one judge for the court, the court sits in two divisions: the Domestic Relations Division and the Juvenile Division.

[N.J.S.A. §2A:4-4.2; Annual Report, p. xiii]

4.3.2 Jurisdiction

a. The Juvenile and Domestic Relations Court has exclusive jurisdiction in juvenile delinquency and dependency and neglect cases and exclusive jurisdiction over the child in child abuse cases. These courts also have jurisdiction over domestic relations matters, except divorce proceedings.

In counties with more than one judge assigned to the court, the court is divided into two divisions, the juvenile division and the domestic relations division, with the court's jurisdiction divided between the two.

b. The Juvenile and Domestic Relations Court has no appellate jurisdiction.

[N.J.S.A. §§2A:4-18, 2A:4-46]

4.4.2 Judges (33)

a. The Chief Justice designates a presiding judge of each court to serve at his pleasure.

b. Juvenile and Domestic Relations Court judges appointed after July 24, 1970, must have been admitted to the practice of law in New Jersey for at least 10 years.

c. Juvenile and Domestic Relations Court judges are appointed by the Governor with the advice and consent of the Senate.

[N.J.S.A. §§2A:4-4, 2A:4-4(a), 2A:4-8; Rules, R.1:33-1; Administrative Director of the Courts]

4.5.2 Administration

a. The presiding judges of the courts have no specifically articulated administrative duties. The assignment judges of the Superior Court are primarily responsible for the administration of the Juvenile and Domestic Relations Court. Reference Section 3.5.1.a.

b. There are no provisions for administrators for the Juvenile and Domestic Relations Court. The trial court administrators of the vicinages assist the assignment judges. Reference Section 3.5.1.b.

c. The county clerk may serve as clerk of the Juvenile and Domestic Relations Court, or the judge may appoint a clerk. The clerk's duties are determined by the judge of the court he serves, the assignment judge, and the Administrative Director of the Courts. The clerk is responsible for the following duties: supervising or assisting in the supervision of clerical, bookkeeping, and related employees working for the court; interviewing, selecting, disciplining, and dismissing staff employees as required; training or assisting in the training of newly hired employees; assisting in budget preparation; preparing and certifying office payroll; preparing and following up on purchase requisitions, personnel actions, and court orders; receiving and acting upon complaints regarding court operations; and assigning cases to court calendar and notifying all persons involved.

[N.J.S.A. §2A:4-12; Rules R.1:34-2; Administrative Director of the Courts]

4.6.2 Rule-making. Reference Section 1.6.

4.1.3 SURROGATE'S COURT. Surrogate's Court handles uncontested probate matters. Contested matters are filed in the Superior Court.

[Office of the Administrative Director of the Courts]

4.2.3 Organization. One surrogate is elected in each county. There are no specialized divisions of the court.

[Const. Art. 6, §2, ¶2; N.J.S.A. §2A:5-1]

4.3.3 Jurisdiction

a. Surrogates have jurisdiction in uncontested probate matters.

b. Surrogates have no appellate jurisdiction.

[N.J.S.A. §2A:5-1; Rules, R.4:84-1(d)]

4.4.3 Surrogates (21)

a. Because each court has only one surrogate, there are no presiding judges.

b. Each surrogate, before assuming office, must secure a performance bond in a sum of between $15,000 and $50,000 as the need may appear.

c. Surrogates are elected to 5-year terms by the voters of their respective counties at general elections.

[Const., Art. 7, §2, ¶2; N.J.S.A. §2A:5-2]

4.5.3 Administration

a. There are no provisions for presiding judges for the Surrogate's Court. The assignment judges of the Superior Court are responsible for the administration of the Surrogate's Court. Reference Section 3.5.1.a.

b. There are no provisions for administrators for the Surrogate's Court. The trial court administrators of the vicinages assist the assignment judges. Reference Section 3.5.1.b.

c. The surrogate serves as his own clerk.

[N.J.S.A. §2A:5-1]

4.6.3 Rule-making. Reference Section 1.6.

4.1.4 MUNICIPAL COURT. The Municipal Court holds one term annually, commencing on the date fixed by the Chief Justice.

[Rules, R.1:30-2]

4.2.4 Organization. A Municipal Court may sit in parts; if one part sitting in daily session has been designated as a Traffic Court, traffic offenses are tried in this part only.

[Rules, R.7:6-5]

4.3.4 Jurisdiction

a. The Municipal Court has jurisdiction over traffic offenses; minor criminal violations; ordinance violations; probable cause hearings; fish, game, and navigation proceedings; and specified crimes (where penalty does not exceed 1 year incarceration or $1,000 fine) and offenses (where value of property does not exceed $500), including some crimes where indictment and trial by jury can be waived. The criminal jurisdiction of the Municipal Court may be exercised concurrently with the County District Courts. Therefore, if an offense that would normally be tried in a Municipal Court is committed in a municipality that does not have such a court, the County District Court has jurisdiction to hear the case. Enabling legislation exists to allow Municipal Courts to have concurrent jurisdiction with the County District Courts in law cases where the amount in controversy does not exceed $100. The Supreme Court, however, has not authorized this jurisdiction.

b. The Municipal Court has no appellate jurisdiction.

[N.J.S.A. §§2A:6-37, 2A:8-21, 2A:8-22, 2A:8-24; New Jersey Municipal Court Manual, p. 8]

4.4.4 Judges (2 full-time, 370 part-time)

a. When there are two or more judges of the Municipal Court, the governing body of the municipality may designate one to be the presiding judge.

b. Municipal Court judges must be residents and attorneys-at-law of New Jersey or persons holding the office of Municipal Court magistrate, recorder, police judge, or justice of the peace on January 1, 1952. A Municipal Court judge who is an attorney need not be a resident of the municipality or municipalities to which the jurisdiction of the court extends. A nonattorney Municipal Court judge, however, must be a resident thereof.

c. In municipalities governed by a mayor-council form of government, Municipal Court judges are appointed by the mayor with the advice and consent of the council. If the municipality is governed by borough law, the appointment is initiated in the same manner, but if the mayor fails to nominate someone within 30 days after the office becomes vacant, or if the council fails to confirm the nomination within 30 days after the nomination is made, the council appoints the judge. In all other municipalities, the judges are appointed by the governing body of the municipality. Each judge of a Municipal Court made up of two or more municipalities is nominated and appointed by the Governor with the advice and consent of the Senate. A Municipal Court judge serves a term of 3 years from the date of his appointment and until his successor is appointed and qualified. Any appointment to fill a vacancy is made for the unexpired term only.

[N.J.S.A. §§2A:8-5, 2A:8-7, 40:86 to 94]

4.5.4 Administration

a. The presiding judges have no specifically articulated administrative duties. The assignment judges of the Superior Court are primarily respon-

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sible for the administration of the Municipal Court. Reference Section 3.5.1.a.

b. There are no provisions for administrators for the Municipal Court. The trial court administrators of the vicinages assist the assignment judges. Reference Section 3.5.1.b.

c. The governing body of the municipality may provide, by ordinance or resolution, for a clerk and other necessary clerical help and their compensation. Any municipal employee, except a policeman, may serve as clerk of the Municipal Court with or without additional compensation. Although their appointment and compensation may be controlled by the governing body, clerks of the Municipal Court are responsible to the judge of the Municipal Court, the assignment judge of the vicinage, and the Administrative Director of the Courts. Clerks have responsibilities as determined by the court.

[N.J.S.A. §2A:8-13; Rules, R.1:34-2]

4.6.4 Rule-making. Reference Section 1.6.

4.1.5 TAX COURT. The Tax Court sits in continuous session.

[Office of the Administrative Director of the Courts]

4.2.5 Organization. The Tax Court sits in Trenton, Newark, and any other location that is necessary to accomodate taxpayer-litigants. The court has a Small Claims Division.

[N.J.S.A. §§2A:3A-2, 2A:3A-5]

4.3.5 Jurisdiction

a. The Tax Court has no true original jurisdiction, as all matters before it represent an appeal from a decision of the New Jersey Division of Taxation in the Department of the Treasury.

The Small Claims Division hears cases where the amount in controversy does not exceed $2,000.

b. The Tax Court has jurisdiction over all appeals from the administrative Division of Taxation.

[N.J.S.A. §§2A:3A-3, 2A:3A-5]

4.4.5 Judges (9)

a. The Chief Justice selects one of the judges of the court to be the presiding judge. The presiding judge serves at the pleasure of the Chief Justice.

b. Tax Court judges must have 10 years experience in the practice of law in New Jersey and must possess special qualifications, knowledge, and experience in matters of taxation.

c. Tax Court judges are appointed by the Governor with the advice and consent of the Senate. The appointments must be made so as to preserve a bipartisan composition of the court. The original term of a judge is 7 years. Upon reappointment, judges serve until age 70 upon good behavior.

[N.J.S.A. §2A:3A-11 to §2A:3A-15; Administrative Director of the Courts]

4.5.5 Administration

a. The presiding judge, subject to the supervision of the Chief Justice and the Administrative Director of the Courts, is responsible for the administration of the Tax Court.

b. There is no provision for an administrator for the Tax Court. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Tax Court is appointed by the Supreme Court and is responsible to the presiding judge of the Tax Court and the Administrative Director of the Courts. He has responsibilities as determined by the court.

[N.J.S.A. §§2A:3A-14, 2A:3A-23; Rules R. 1:34-2]

4.6.5 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice of the Supreme Court is the administrative head of all courts in the state. Reference Section 1.5.a.

[Const., Art. 6, §7, ¶1; Rules, R.1:33-1]

5.2 Administrative Office of the Courts

a. The Administrative Office of the Courts is statutorily authorized.

b. Administrative Director of the Courts

(1) This position is constitutionally authorized.

(2) The Administrative Director must be, and must have been for not less than 3 years immediately prior to his appointment, a bona fide resident of New Jersey. The Administrative Director is selected by and serves at the pleasure of the Chief Justice.

(3) The Administrative Director of the Courts is statutorily empowered to perform the following functions, subject to the direction of the Chief Justice:

(a) Examine administrative methods, systems, and activities of the judges, clerks, stenographers, and employees of the courts and their offices and make recommendations to the Chief Justice with respect thereto.

(b) Examine the state of the dockets of the courts, secure information as to their needs, prepare statistical data and reports of court business, and advise the Chief Justice with respect thereto.

(c) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the courts and make recommendations with respect thereto.

(d) File requests for appropriations or permission to spend as request officer for the Supreme and Superior Courts and, as approval officer, approve and sign all encumbrance requests and statements of indebtedness on behalf of said courts.

(e) Make necessary arrangements for accommodations for the use of the Supreme and Superior Courts and clerks thereof and for the purchase and distribution of equipment and supplies for these courts and clerks.

(f) Collect statistical data and make reports relating to the expenditures of public monies, state, county, and municipal, for the maintenance of the courts and offices related thereto.

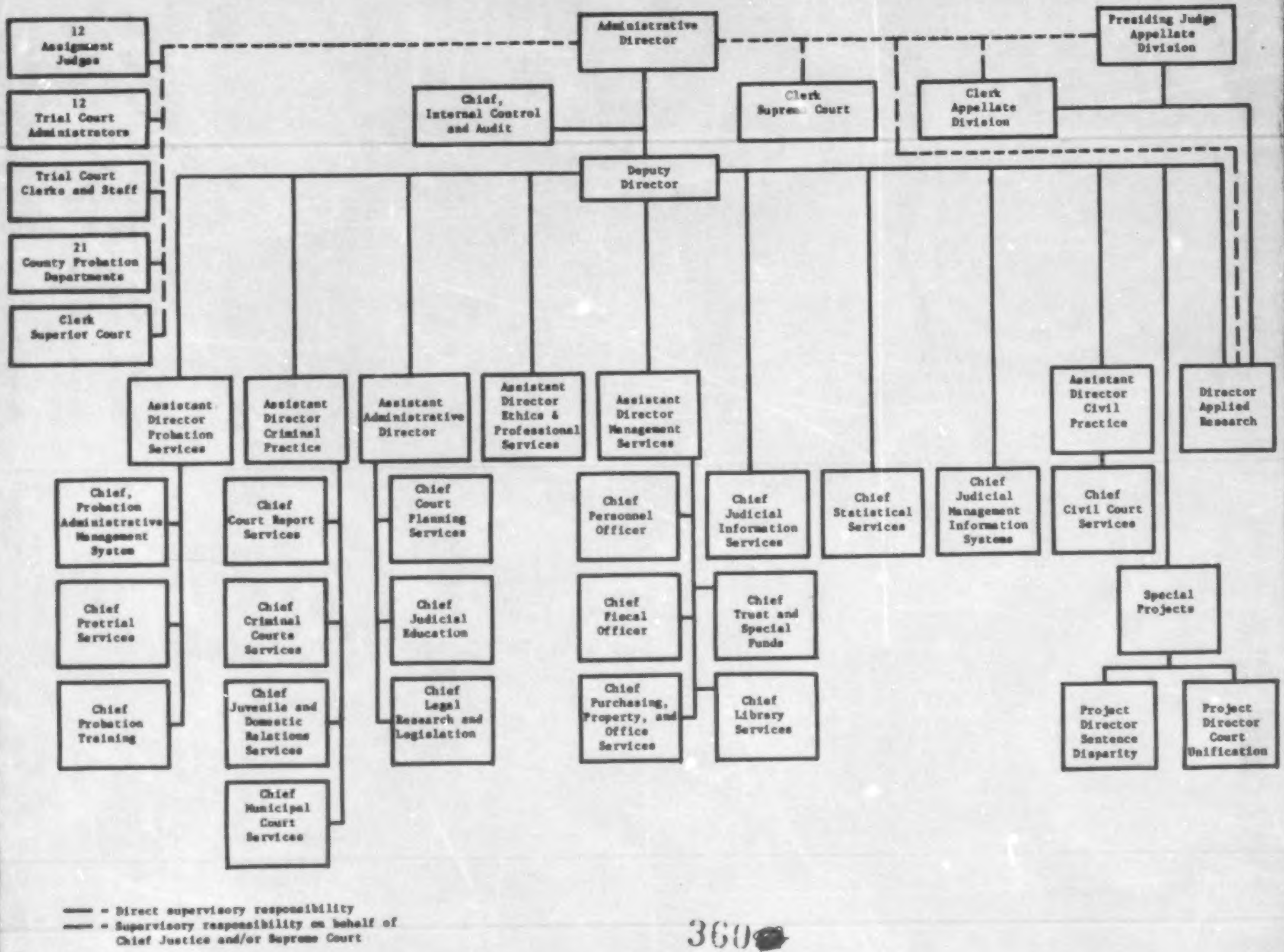
(g) Examine the operation of the courts, investigate complaints with respect thereto, and submit recommendations for the improvement thereof to the Chief Justice.

(h) Act as secretary of the Judicial Conference (reference Table 29: Judicial councils and conferences).

(i) Attend to such other matters as may be assigned by the Chief Justice.

c. Office organization. The Administrative Office of the Courts consists of 224 people: 75 professionals (including the Administrative Director of the Courts) and 149 clerical personnel. The office provides administrative assistance in three main areas: legal services to the courts and bar, coordination of probation services, and fiscal management for the state judiciary. It is organized

Figure 2: New Jersey state-level administrative office of the courts, 1980


12 Assignment Judges
12 Trial Court Administrators
Trial Court Clerks and Staff
21 County Probation Departments
Clerk Superior Court
Administrative Director
Chief, Internal Control and Audit
Clerk Supreme Court
Clerk Appellate Division
Presiding Judge Appellate Division
Deputy Director
Assistant Director Probation Services
Assistant Director Criminal Practice
Assistant Administrative Director
Assistant Director Ethics & Professional Services
Assistant Director Management Services
Assistant Director Civil Practice
Director Applied Research
Chief, Probation Administrative Management System
Chief Pretrial Services
Chief Probation Training
Chief Court Report Services
Chief Criminal Courts Services
Chief Juvenile and Domestic Relations Services
Chief Municipal Court Services
Chief Court Planning Services
Chief Judicial Education
Chief Legal Research and Legislation
Chief Personnel Officer
Chief Fiscal Officer
Chief Purchasing, Property, and Office Services
Chief Judicial Information Services
Chief Trust and Special Funds
Chief Library Services
Chief Statistical Services
Chief Judicial Management Information Systems
Chief Civil Court Services
Special Projects
Project Director Sentence Disparity
Project Director Court Unification
— = Direct supervisory responsibility
- - = Supervisory responsibility on behalf of Chief Justice and/or Supreme Court

into three divisions for the handling of matters relating to criminal practice, civil practice, and administration. The office provides in-service training for judges and supporting personnel, as well as staff assistance to the several standing and special committees appointed by the Supreme Court, and serves as secretariat for judicial conferences. It also gathers and interprets information concerning the status of litigation in the state courts, recommends adjustments to alleviate court congestion and prepares projections for the future needs of the judicial system. The Administrative Office of the Courts directs a number of federally funded programs including a special Appellate Staff Project, a Judicial Management Information System, Probation Research and Development, and Judicial Education. Recording services of the courts are also provided through court reporters and sound recording equipment.

[Const., Art. 6, §7, ¶1; N.J.S.A. §§2A:12-1, 2A:12-3; Criminal Justice Plan for New Jersey, p. 9; State Court Administrators, p. 76]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT
6.2.1 Special masters. . .

a. Special masters are appointed by Superior Court judges with the consent of the Chief Justice and serve at the discretion of the appointing judge.

b. Special masters have the power to regulate all proceedings in every hearing before them, to pass on the admissibility of evidence, and to do all the acts necessary to perform their duties under the order of the appointing judge.

6.1.2 SUPERIOR COURT
6.2.2 Surrogates

a. Reference Section 4.4.3.
b. Reference Section 4.3.3.
[Rules, R.4:41-1, R.4:41-3]

Judicial Discipline

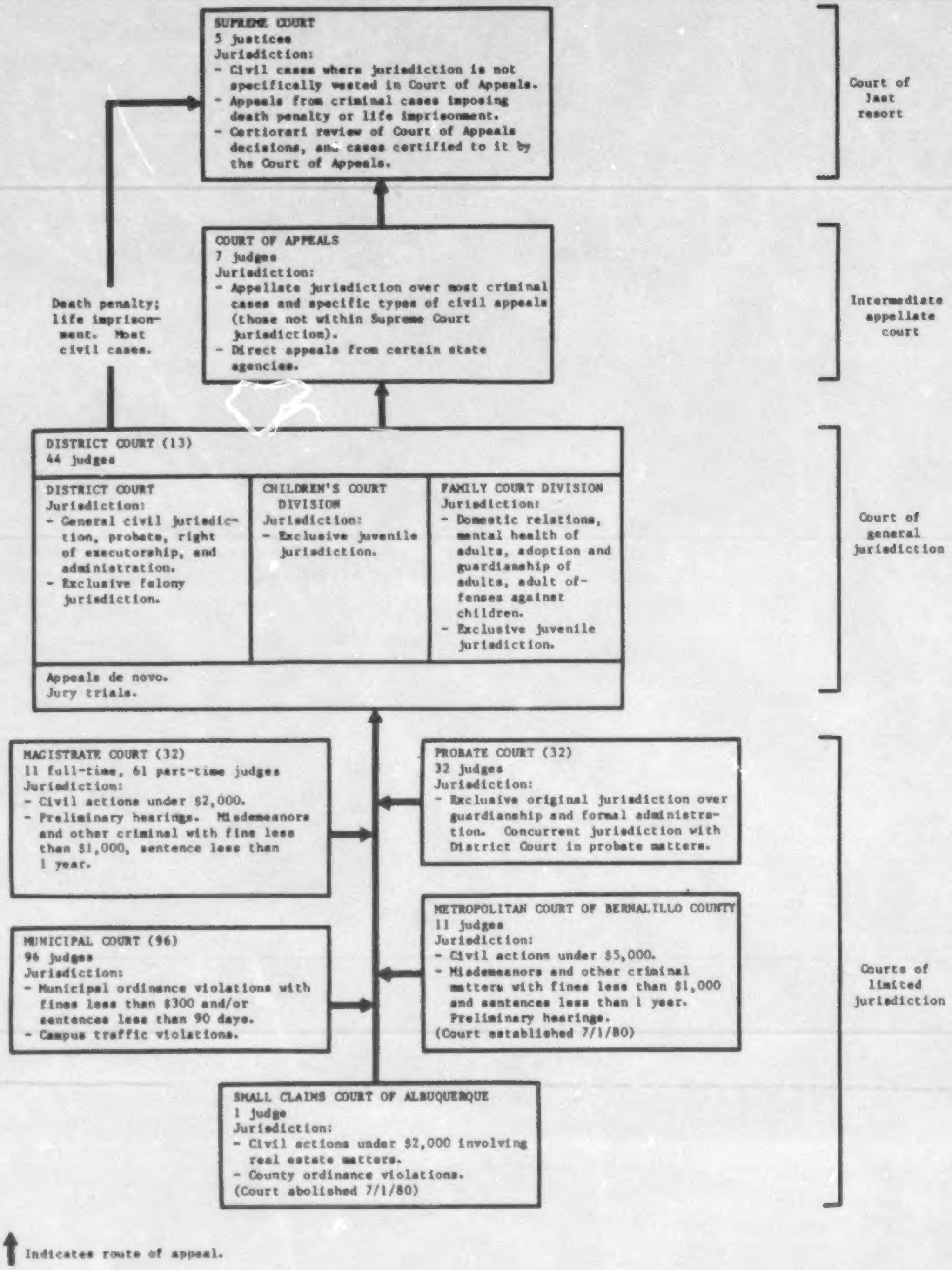
7.1 Advisory Committee on Judicial Conduct. The committee consists of nine members. At least two members must be retired justices or judges of the Supreme Court, or Superior Court; not less than three members must be members of the bar, and not more than four members must be laymen who do not hold public office of any nature. The members are appointed by the Supreme Court. Membership on the committee terminates if a member is appointed or elected to public office or to any position considered by the court to be incompatible with such service.

[Rules, R.2:15-2]

7.2 Authority and procedure for sanction. The Advisory Committee on Judicial Conduct is authorized by statute and court rule. Upon receiving a complaint alleging facts indicating: (1) misconduct in office, (2) willful failure to perform his duties, (3) incompetence, (4) habitual intemperance, (5) participation in partisan policies, (6) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or (7) mental or physical disability of a judge that is disabling him and may continue to disable him indefinitely or permanently from the performance of his duties, the committee conducts a preliminary investigation. The committee may, however, also conduct a preliminary investigation without receiving a complaint. If the judge has not been made aware of the complaint, the committee in its discretion may notify him. If preliminary investigation indicates further inquiry is desirable, the committee, if necessary, orders the complainant to file a verified complaint and notify the judge of the relevant information and the right to appear before the committee. Upon completion of the preliminary investigation, the committee may: (1) dismiss the charges, (2) issue an explanation if the judge was charged mistakenly and the matter was made public, or (3) request the judge to informally discuss the matter. Whenever the committee concludes that the circumstances, if established at a plenary hearing, may call for censure, suspension, or removal of the judge, the committee files a copy of such a recommendation with the clerk of the Supreme Court and advises the judge involved of such action. If the Supreme Court determines that the committee recommendation should be adopted, it may issue the appropriate complaint and the matter proceeds in accordance with the procedures outlined in the removal statute, N.J.S.A. 2A:1B-1 et. seq. The filing of papers with, or the giving of testimony before the committee or before the Supreme Court, if a formal complaint is issued, is privileged in any action for defamation. No other publication of such papers or proceedings is so privileged except the record filed by the committee in the Supreme Court.

[Rules, R.2:15-8 to R.2:15-12, R.2:15-14, R.2:15-16]

Figure 1: New Mexico court system, 1980



Court of last resort
Intermediate appellate court
Court of general jurisdiction
Courts of limited jurisdiction

SUPREME COURT
5 justices
Jurisdiction:
- Civil cases where jurisdiction is not specifically vested in Court of Appeals.
- Appeals from criminal cases imposing death penalty or life imprisonment.
- Certiorari review of Court of Appeals decisions, and cases certified to it by the Court of Appeals.

COURT OF APPEALS
7 judges
Jurisdiction:
- Appellate jurisdiction over most criminal cases and specific types of civil appeals (those not within Supreme Court jurisdiction).
- Direct appeals from certain state agencies.

Death penalty; life imprisonment. Most civil cases.

DISTRICT COURT (13)
44 judges

DISTRICT COURT
Jurisdiction:
- General civil jurisdiction, probate, right of executorship, and administration.
- Exclusive felony jurisdiction.

CHILDREN'S COURT DIVISION
Jurisdiction:
- Exclusive juvenile jurisdiction.

FAMILY COURT DIVISION
Jurisdiction:
- Domestic relations, mental health of adults, adoption and guardianship of adults, adult offenses against children.
- Exclusive juvenile jurisdiction.

Appeals de novo.
Jury trials.

MAGISTRATE COURT (32)
11 full-time, 61 part-time judges
Jurisdiction:
- Civil actions under $2,000.
- Preliminary hearings. Misdemeanors and other criminal with fine less than $1,000, sentence less than 1 year.

PROBATE COURT (32)
32 judges
Jurisdiction:
- Exclusive original jurisdiction over guardianship and formal administration. Concurrent jurisdiction with District Court in probate matters.

MUNICIPAL COURT (96)
96 judges
Jurisdiction:
- Municipal ordinance violations with fines less than $300 and/or sentences less than 90 days.
- Campus traffic violations.

METROPOLITAN COURT OF BERNALILLO COUNTY
11 judges
Jurisdiction:
- Civil actions under $5,000.
- Misdemeanors and other criminal matters with fines less than $1,000 and sentences less than 1 year. Preliminary hearings.

(Court established 7/1/80)

SMALL CLAIMS COURT OF ALBUQUERQUE
1 judge
Jurisdiction:
- Civil actions under $2,000 involving real estate matters.
- County ordinance violations.

(Court abolished 7/1/80)

↑ Indicates route of appeal.

NEW MEXICO

Court of Last Resort

1.1 SUPREME COURT. The court sits in Santa Fe and holds one term each year commencing on the second Wednesday in January. It sits in continuous session but may recess as it deems proper.

[Constitution of New Mexico, Article VI, Section 7]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in quo warranto and mandamus against all state officers, boards, and commissions; in the issuance of writs of habeas corpus; and in the issuance, hearing, and determination of extraordinary writs necessary for the complete exercise of its jurisdiction. The court also has jurisdiction over matters involving the admission, discipline, and disbarment of attorneys in New Mexico.

b. The Supreme Court has appellate jurisdiction over District Court decisions imposing a death penalty or life imprisonment; all cases where responsibility is not vested in the Court of Appeals; final judgments brought by writ of certiorari from the Court of Appeals; and cases certified to it by the Court of Appeals.

[Const., Art. VI, §§2, 3; New Mexico Statutes Annotated (hereinafter N.M.S.A.) Sections 34-5-14, 36-2-1]

1.4 Justices (5)

a. The Chief Justice is elected to a 2-year term by peer vote.

b. Supreme Court justices must be at least 30 years of age, must be learned in the law, and must have been members of the bar and residents of the state for at least 3 years. (Supreme Court justices may substitute service in the District Court for part of the 3 years of law practice).

c. Supreme Court justices are elected to 8-year terms by the voters of the state on partisan ballots. The Governor fills vacancies by appointment and the appointee holds office until the next general election. The newly elected justice then serves until the expiration of the original term.

[Const., Art. VI, §§4, 8, Art. XX, §4; N.M.S.A. §34-2-1]

1.5 Administration

a. The Chief Justice is considered the head of the judicial branch of the state. He exercises administration and supervision over the entire court system through the Director of the Administrative Office of the Courts, the chief judge of the Court of Appeals, the presiding judges of the District Court, the court administrator of the 2nd Judicial District, and the presiding magistrates of the Magistrate Court. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specific administrative duties with regard to the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the Supreme Court. He is responsible for the following duties: docketing, record keeping, calendaring, supervising staff, and other duties as determined by the court. There are no formal provisions for assigning administrative duties to the clerk.

[Const., Art. VI, §9; N.M.S.A. §38-1-17]

1.6 Rule-making. The court prescribes rules to regulate pleadings, practice, and procedure in all courts of the state. These rules become effective 30 days after distribution to the members of the state bar and all applicants. There are no formal provisions for legislative review and suggestions. The court has superintending control over all courts.

[Const., Art. VI, §3; N.M.S.A. §38-1-1; Director of the Administrative Office of the Courts]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The Court of Appeals sits in continuous session. The court's headquarters are in Santa Fe, but it can convene anywhere in the state.

[N.M.S.A. §34-5-7]

2.2 Organization. The Court of Appeals does not sit in panels. There is a Prehearing Division of the court that screens appeals at various stages of the appellate process.

[1975 New Mexico Annual Report, p. 21]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has appellate jurisdiction over any criminal action or postconviction remedy proceeding, except those in which a judgment of the District Court imposes a sentence of death or life imprisonment; any action in violation of municipal or county ordinance where a fine or imprisonment is imposed; any tort action; decisions of administrative agencies of the state, where provided by law; and all actions under the Workmen's Compensation Act, the Subsequent Injury Act, the New Mexico Occupational Disease Disablement Law, and the Federal Employer's Liability Act.

[Const., Art. VI, §29; N.M.S.A. §34-5-8]

2.4 Judges (7)

a. The chief judge is elected to a 2-year term by peer vote.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[N.M.S.A. §34-5-2; Director of the Administrative Office of the Courts]

2.5 Administration

a. There is no statutory provision for administrative authority for the chief judge.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the court. He is responsible for the following duties: docketing, record keeping, calendaring, supervising staff, and other duties as determined by the court. There are no formal provisions for assigning administrative duties to the clerk.

[N.M.S.A. §34-5-5; Director of the Administrative Office of the Courts]

2.6 Rule-making. Supreme Court rules apply, where pertinent, in the Court of Appeals.

[N.M.S.A. §38-1-1]

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court sits in continuous session.

[N.M.S.A. §34-6-2]

3.2 Organization. There are 13 multi-county judicial districts in the state's 32 counties. There are two specialized divisions, the Children's Court Division and the Family Court Division, either of which can be established by the court.

[N.M.S.A. §§32-1-4, 34-6-1]

3.3 Jurisdiction

a. The District Court has exclusive jurisdiction in all matters and causes not excepted in the state constitution, and over other cases as provided by law such as all juvenile and domestic relations proceedings. The court can issue writs in the exercise of its jurisdiction and may also naturalize persons in accordance with United States law. The District Court has concurrent jurisdiction with the Probate Court over probate matters.

The Children's Court Division has exclusive jurisdiction in all matters relating to juveniles.

A District Court may establish a Family Court Division in lieu of the Children's Court. The Family Court has the same jurisdiction as Children's Court plus exclusive jurisdiction over the following: incompetency or insanity of adults; appointment of guardians for, and adoption of adults; offenses committed against a child by an adult; and domestic relations matters.

b. The District Court has appellate jurisdiction in all cases originating in courts of limited jurisdiction in its respective districts.

[Const., Art. VI, §13; N.M.S.A. §§32-1-4, 32-1-9, 32-1-10, 45-1-302.1]

3.4 Judges (44). There is no standard formula for the number of judges per district.

a. There is no provision for a chief judge over all the districts of the District Court; however, there are presiding judges of multi-judge districts. In the multi-judge districts each judge is designated a division and the presiding judge of division number one is the presiding judge, unless otherwise designated by District Court rule.

b. District Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b. Each district judge must also reside in his judicial district.

c. District Court judges are elected to 6-year terms by the voters of the districts on partisan ballots.

[Const., Art. VI, §§12, 14; N.M.S.A. §§34-6-4 to 34-6-16, 34-6-18; Director of the Administrative Office of the Courts]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, there are presiding judges of multi-judge districts. There are no statutory provisions for administrative authority for the presiding judges of the districts. In practice, the presiding judge acts as spokesperson for the judges of the district; supervises the implementation of the policy decisions reached by the district judges; acts as the liaison agent with other government agencies; supervises the preparation of the budget; supervises the District Court clerk's office and generally deals with the daily running of the specific District Court.

b. There is no provision for an administrator over all the districts of the District Court. Only the 2nd Judicial District in Alburquerque is authorized to have a court administrator. The administrator is selected by the judges of the district with the approval of the Supreme Court and the Director of the Administrative Office of the Courts. This person is responsible for organizing, directing, coordinating, and supervising the activities of subordinates engaged in processing all 2nd Judicial District Court cases. Reference Section 5.2.b (state-level administrator).

c. Clerks are appointed by the court. They are responsible for the following duties: docketing, record keeping, calendaring, supervising staff, and other duties as determined by the court. There are no formal provisions for assigning administrative duties to the clerks.

[N.M.S.A. §34-6-19; New Mexico Judicial System Personnel Plan, #9259; Administrative Assistant to the Chief Justice; Administrative Office of the Courts]

3.6 Rule-making. Each District Court may make the rules for its district, provided they are consistent with Supreme Court rules. Copies of such rules must be furnished to the Supreme Court. District Courts may adopt rules of administration, provided they are consistent with statutes, Supreme Court rules, and regulations of the Administrative Office of the Courts.

[N.M.S.A. §34-6-28; Rule 83, New Mexico Rules of Civil Procedure]

Courts of Limited or Special Jurisdiction

Effective July 1, 1980 the Metropolitan Court of Bernalilo County will be established. It will be a consolidation of the Magistrate, Municipal, and Small Claims Courts in that county.

[N.M.S.A. §34-8A-1]

4.1.1 MAGISTRATE COURT. Terms of court vary according to community needs.

[Administrative Office of the Courts]

4.2.1 Organization. Each of the state's 32 counties is designated a Magistrate Court district. Where there is more than one magistrate in a district, each magistrate's office is designated as a division of the court. The number of divisions ranges from one to five.

[N.M.S.A. §§35-1-2, 35-1-3, 35-1-5 to 35-1-35]

4.3.1 Jurisdiction

a. The Magistrate Court has concurrent original jurisdiction with the Small Claims Court of Alburquerque in civil actions involving a dollar amount up to $2,000, except where prohibited by law. In criminal actions, jurisdiction is limited to misdemeanors and any other criminal action where jurisdiction is specifically granted by law.

b. The Magistrate Court has no appellate jurisdiction.

[N.M.S.A. §§35-3-3, 35-3-4]

4.4.1 Judges (78). There is no standard formula for the number of magistrates per district.

a. Presiding magistrates are designated by the Director of the Administrative Office of the Courts, when two or more divisions act as a single court.

b. Magistrates must be qualified voters and residents of their districts and have a high school or equivalent education. In districts having a population of 100,000 or more, they must also be members of the bar and be licensed to practice law in the state.

c. Magistrates are elected to 4-year terms by the voters of their respective Magistrate Court districts on partisan ballots.

[N.M.S.A. §§35-1-2 to 35-1-35, 35-1-37, 35-2-1; Director of the Administrative Office of the Courts]

4.5.1 Administration

a. Presiding magistrates have no original administrative authority. It rests with the Administrative Office of the Courts.

b. There are no provisions for administrators for the Magistrate Court. Reference Section 5.2.b (state-level administrator).

c. Magistrate clerks are selected by the magistrate or presiding magistrate and employed by the Administrative Office of the Courts. They are responsible for the following duties: docketing, record keeping, calendaring, supervising staff, and other duties as determined by the court.

[N.M.S.A. §§35-7-1, 35-7-10; Director of the Administrative Office of the Courts]

4.6.1 Rule-making. All procedural rule-making power is vested in the Supreme Court. Reference Section 1.6.

[N.M.S.A. §35-7-12]

4.1.2 MUNICIPAL COURT. Terms of court vary according to community needs.

[Administrative Office of the Courts]

4.2.2 Organization. The need for divisions of the court is locally determined.

4.3.2 Jurisdiction

a. The Municipal Court has exclusive jurisdiction over all municipal ordinance violations. They can also adjudicate violations of campus traffic regulations upon written agreement between the university Board of Regents and the governing body of the adjacent municipality. The court has the power to issue subpoenas and warrants and to punish for contempt.

b. The Municipal Court has no appellate jurisdiction.

[N.M.S.A. §35-14-2]

4.4.2 Judges (96). Municipalities with populations of less than 50,000 can only have one judge. In municipalities of 50,000 or more, additional judges can be elected if the municipal governing body determines that the workload requires it.

a. The Municipal Court does not have presiding judges.

b. Municipal Court judges must meet qualifications established by local ordinance.

c. Municipal Court judges are elected to 4-year terms by the voters of the municipalities on partisan ballots.

[N.M.S.A. §§35-14-3, 35-14-4; Director of the Administrative Office of the Courts]

4.5.2 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. Selection procedures for Municipal Court clerks are locally determined. They are responsible for the following duties: docketing, record keeping, calendaring, supervising staff, and other duties as determined by the court. There are no formal provisions for assigning administrative duties to the clerks.

4.6.2 Rule-making. The municipal judges exercise rule-making power for their own courts. These procedures must be consistent with state laws.

[Municipal Court Rules, Rule 38]

4.1.3 PROBATE COURT. The Probate Court sits in continuous session.

[N.M.S.A. §34-7-8]

4.2.3 Organization. There is a Probate Court in each of the state's 32 counties.

[N.M.S.A. §§34-7-2, 34-7-4]

4.3.3 Jurisdiction

a. The Probate Court has concurrent jurisdiction with the District Court in all probate matters.

b. The Probate Court has no appellate jurisdiction.

[N.M.S.A. §45-1-302]

4.4.3 Judges (32). Statutes presently provide for one judge in each county.

a. The Probate Court does not have presiding judges.

b. Probate Court judges must meet the same qualifications as public officials within their respective counties. Public officials must have been state residents for 1 year, and must be United States citizens. Any other qualifications are locally determined.

c. Probate Court judges are elected to 2-year terms by the voters of the counties on partisan ballots. After serving two consecutive terms they are ineligible to hold any county office for 2 years.

[Const., Art. VI, §23, Art VII, §2, Art X, §2; N.M.S.A. §§10-1-6, 34-7-2]

4.5.3 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. The elected county clerks serve as the Probate Court clerks.

[Const., Art. VI, §23]

4.6.3 Rule-making. Judges of the Probate Court have full power and authority to make and publish rules and orders regulating the business and practice of their courts. These rules and orders must be consistent with state law.

[N.M.S.A. §34-7-13]

4.1.4 SMALL CLAIMS COURT OF ALBURQUERQUE. The Small Claims Court of Alburquerque sits in continuous session.

[N.M.S.A. §34-8-10(D)]

4.2.4 Organization. A Small Claims Court can only be established in counties of 100,000 population or more. There are no specialized divisions of the court.

[N.M.S.A. §34-8-1]

4.3.4. Jurisdiction. Effective 7/1/80, this court will be abolished. Jurisdiction previously exercised by this court will be incorporated in the Metropolitan Court of Bernalillo County, to be created on that date.

a. The Small Claims Court of Albuquerque can conduct preliminary examinations in criminal cases and has concurrent jurisdiction with the Magistrate Court in matters involving violations of county ordinances. The court also has concurrent jurisdiction with the Magistrate Court in civil actions involving a dollar amount less than $2,000.

b. The Small Claims Court has no appellate jurisdiction.

[N.M.S.A. §34-8-1]

4.4.4 Judges (1)

a. The Small Claims Court does not have presiding judges.

b. Small Claims Court judges must be at least 25 years old, must be members of the New Mexico Bar, and must be licensed to practice law in the state. They must also have resided in the county and have practiced law for at least 2 years.

c. Small Claims Court judges are elected to 4-year terms by the voters on partisan ballots.

[N.M.S.A. §34-8-2]

4.5.4.Administration

a. There are no provisions for presiding judges for the Small Claims Court of Albuquerque.

b. There are no provisions for administrators for the Small Claims Court. Reference Section 5.2.b (state-level administrator).

c. The Small Claims Court judge appoints his clerk. The clerk is responsible for the following duties: docketing, recordkeeping, calendaring, staff supervision, and other duties as determined by the court. There are no formal provisions for assigning administrative duties to the clerk.

[N.M.S.A. §16-5-4]

4.6.4. Rule-making. Judges of the Small Claims Court of Albuquerque can make rules and orders that are consistent with state law to regulate the business and practice of their courts. In civil cases, the Rules of Civil Procedure for the District Courts govern.

[N.M.S.A. §34-8-10]

4.1.5 METROPOLITAN COURT (Bernalillo County)
(Information not available)

4.2.5 Organization. (Information not available)

4.3.5 Jurisdiction

a. The Metropolitan Court of Bernalillo County has jurisdiction over civil actions $5,000 and under, misdemeanors, other criminal with fines less than $1,000 and sentence less than one year, and preliminary hearings.

b. The Metropolitan Court of Bernalillo County has no appellate jurisdiction.

[Director of the Administrative Office of the Courts]

4.4.5 Judges (11)

a. There are provisions for a presiding judge of the Metropolitan Court.

b. Metropolitan Court Judges must be members of the New Mexico Bar and must be licensed to practice law in the state.

c. The magistrates of the Magistrate Court and the judges of the Small Claims Court and any Municipal Court shall continue to hold their offices as metropolitan judges of the Metropolitan Court for the balance of the terms for which they were elected or appointed. Thereafter, Metropolitan Court judges shall be elected in the same manner as magistrates (reference section 4.4.1.c). The Governor shall fill vacancies in the office of metropolitan judge by appointment until the next general election.

4.5.5 Administration

a. (Information not available).

b. The judges of the Metropolitan Court may elect or employ on an annual basis a metropolitan court administrator who is responsible for supervising all matters relating to the administration of the Metropolitan Court.

c. (Information not available).

4.6.5 Rulemaking. (Information not available)

State-Level Administration

5.1 General administrative authority. The Chief Justice is considered the head of the judicial branch of the state. The Supreme Court has superintending authority over all courts in the state. Reference Section 1.5.a.

5.2 The Administrative Office of the Courts

a. The Administrative Office of the Courts is statutorily authorized.

b. Director of the Administrative Office of the Courts

(1) The position is statutorily authorized.

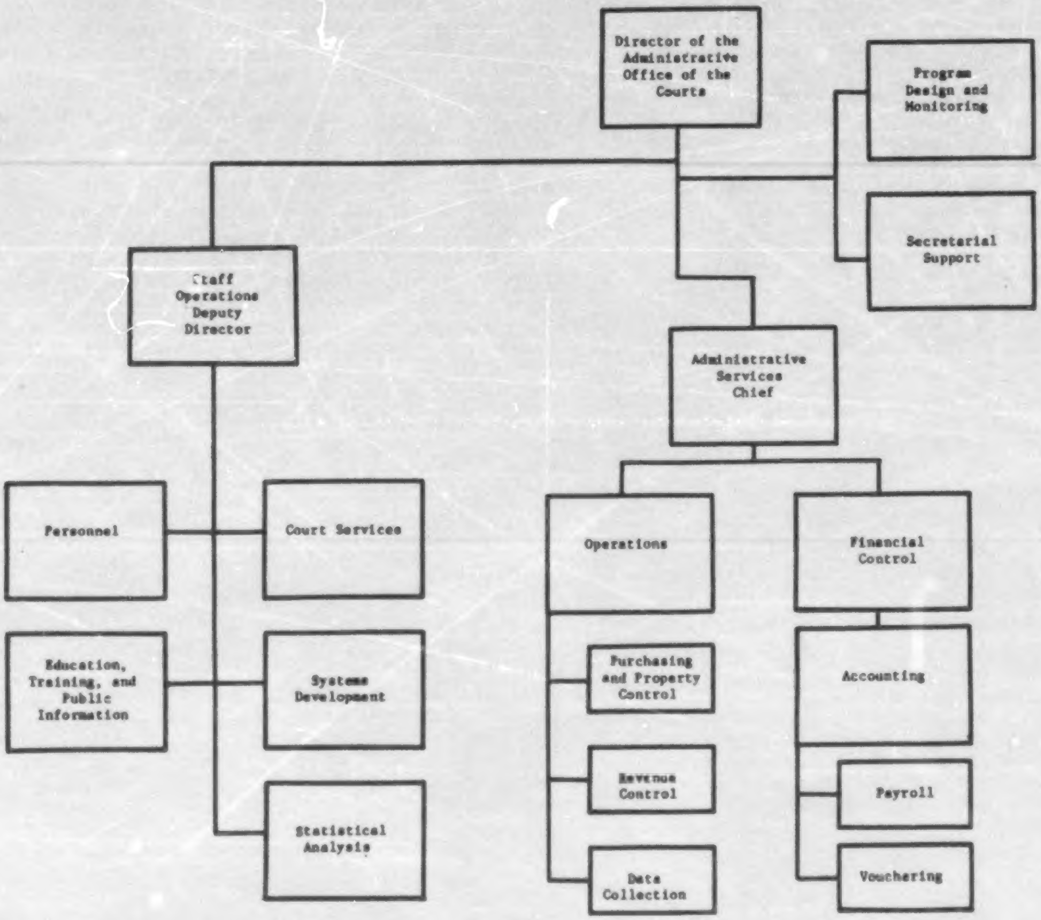
(2) There are no statutory qualifications for the position. The Director is selected by the Supreme Court.

(3) The duties of the Director, which are performed for the Supreme Court, Court of Appeals, District, Magistrate, and Probate Courts include the following: supervising administrative matters; preparing an annual report of court business and activities of the Administrative Office of the Courts and submitting it with recommendations to the Supreme Court and the legislature; receiving, adjusting, and approving state-supported court budgets; appointing and removing necessary employees, with Supreme Court approval; and prescribing uniform records and forms procedures for the courts.

c. Office organization. The Administrative Office of the Courts has a staff of 32 positions, and is organized into two operational and four staff sections: Accounting Division, Magistrate Services Division, Judicial Planning and Training Section, Management and Systems Analysis Section, Budget and Personnel Section, and Internal Audit Section. Twelve of the 32 positions are employed within the Accounting Division, which handles budget expenditures for the Administrative Office and Supreme Court Building Commission, and receives revenues generated by traffic citations (penalty assessments) and the 32 Magistrate Courts. The Magistrate Services Division is responsible for planning, formulating, and implementing administrative programs for the magistrate judges. This includes the review of statutory responsibilities, present and proposed systems and procedures, and judicial rulings and regulations. The staff sections study judicial organizational structures systems, and methods for the purpose of recommending changes deemed advisable for the improved functioning of the Appellate, District, and Magistrate Courts.

[Const., Art. VI, §3; N.M.S.A. §§34-9-1 to 34-9-3, 34-9-7, 34-9-8, 38-1-17]

Figure 2: New Mexico state-level administrative office of the courts, 1980


Director of the Administrative Office of the Courts
Program Design and Monitoring
Secretarial Support
Staff Operations Deputy Director
Administrative Services Chief
Personnel
Court Services
Education, Training, and Public Information
Systems Development
Statistical Analysis
Operations
Purchasing and Property Control
Revenue Control
Data Collection
Financial Control
Accounting
Payroll
Vouchering

Quasi-Judicial Officers

6.1 DISTRICT COURT

6.2 Special masters (referee, auditor, examiner)

a. District Courts select and utilize special masters (referees, auditors, examiners). Assignment and removal are by the court. In practice, special masters must be members of the bar and practicing attorneys.

b. Masters should be referred to only in exceptional cases. Subject to the limitations of the order of reference, masters can regulate all proceedings in every hearing before them and take all measures necessary and proper for the efficient performance of their duties.

[Supreme Court Rule 53(a), (b), (c), (f)]

Judicial Discipline

7.1 Judicial Standards Commission. The commission is composed of nine persons as follows: two justices of the Supreme Court or judges of the Court of Appeals or District Court appointed by the Supreme Court; two attorneys appointed by a majority vote of all members of the Board of Commissioners of the State Bar of New Mexico, and five citizens, not licensed attorneys or justices, judges, or magistrates, appointed by the Governor.

[Const., Art. VI, §32; N.M.S.A. §34-10-1]

7.2 Authority and procedure for sanction. The commission, after hearings and investigations it deems necessary, makes recommendations for discipline or removal of justices and judges to the Supreme Court. The Supreme Court reviews the record, can permit the introduction of additional evidence, and accepts or rejects the commission's recommendations.

[Const., Art VI, §32]

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NEW YORK

Court of Last Resort

1.1 COURT OF APPEALS. The court sits in Albany, and the number, commencement date, and length of its terms are designated at its discretion each year.

[Judiciary Law, Sections 54, 60; Chief Administrator of the Courts]

1.2 Organization. The court consists of seven judges. Five members of the court constitute a quorum. If the caseload requires, the Governor may designate up to four justices of the Supreme Court to sit temporarily on the Court of Appeals.

[Constitution, Article VI, Section 2]

1.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has appellate jurisdiction constitutionally limited to review of questions of law, except in criminal cases in which the judgment is a death penalty (deleted October 10, 1980) or cases in which the Appellate Division, in revising or modifying a final or interlocutory judgment or order, finds new facts and a final judgment or order is entered pursuant to that finding. Direct appeals to the Court of Appeals from the trial courts are permitted when the death penalty is imposed and in civil cases when the only question is the constitutionality of a state or federal statute. The constitution provides that certain types of cases may be taken to the court as a matter of right, while others may be taken only with the leave of a justice of the Appellate Division or a judge of the Court of Appeals or upon certification of the Appellate Division or the Court of Appeals.

[Const., Art. VI, §3; Chief Administrator of the Courts]

Jurisdiction added October 6, 1980: All appeals from the Appellate Divisions of the Supreme Court, and appeals in criminal cases from the Appellate Terms of the Supreme Court and from the County Courts when the County Courts act as intermediate appellate courts, are taken to the Court of Appeals. The Court of Appeals also reviews all determinations of the Commission on Judicial Conduct. Reference Section 7.1.

[Const., Art. VI, §22]

1.4 Judges (7)

a. The Chief Judge is selected for a 14-year term based on the State of New York's merit selection system. See subheading c. below.

b. Court of Appeals judges must have been admitted to the practice of law in the state for at least 10 years prior to assuming office.

c. Court of Appeals judges are appointed by the Governor, with the advice and consent of the Senate, from a list of persons found to be well qualified and recommended by a Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). Vacancies are filled in the same manner. Court of Appeals judges are selected for 14-year terms based on the State of New York's merit selection system. There are no provisions for retention elections.

[Const., Art. VI, §§2, 20; Judiciary Law §61-§68]

1.5 Administration

a. The Chief Judge of the Court of Appeals is the Chief Judge of the State of New York and is the chief judicial officer of the unified court system. The administrative power is vested in the Chief Judge. There is an Administrative Board of the Courts which consists of the Chief Judge of the Court of Appeals as chairman and the presiding justice of the Appellate Division of the Supreme Court in each judicial department. The Chief Judge, after consultation with the Administrative Board, establishes standards and administrative policies for general application throughout the state, which are submitted by the Chief Judge to the Court of Appeals, together with the recommendations, if any, of the Administrative Board. Such standards and administrative policies are promulgated after approval by the Court of Appeals. The Chief Judge, with the advice and consent of the Administrative Board of the Courts, appoints a Chief Administrator of the Courts who serves at his pleasure. If the appointed administrator is a justice or judge, his title is Chief Administrative Judge.

The Chief Administrator, on behalf of the Chief Judge, supervises the administration and operation of the unified court system. In the exercise of such responsibility, the Chief Administrator of the Courts has such powers and duties as are delegated to him by the Chief Judge and such additional powers and duties as are provided by law. He is assisted in the performance of his duties by two deputy chief administrators, one supervising the operation of the courts in New York City, one supervising the operation of the courts outside New York City; the judicial district administrative judges; and the Office of Court Administration. Reference Section 5.1 (General administrative authority).

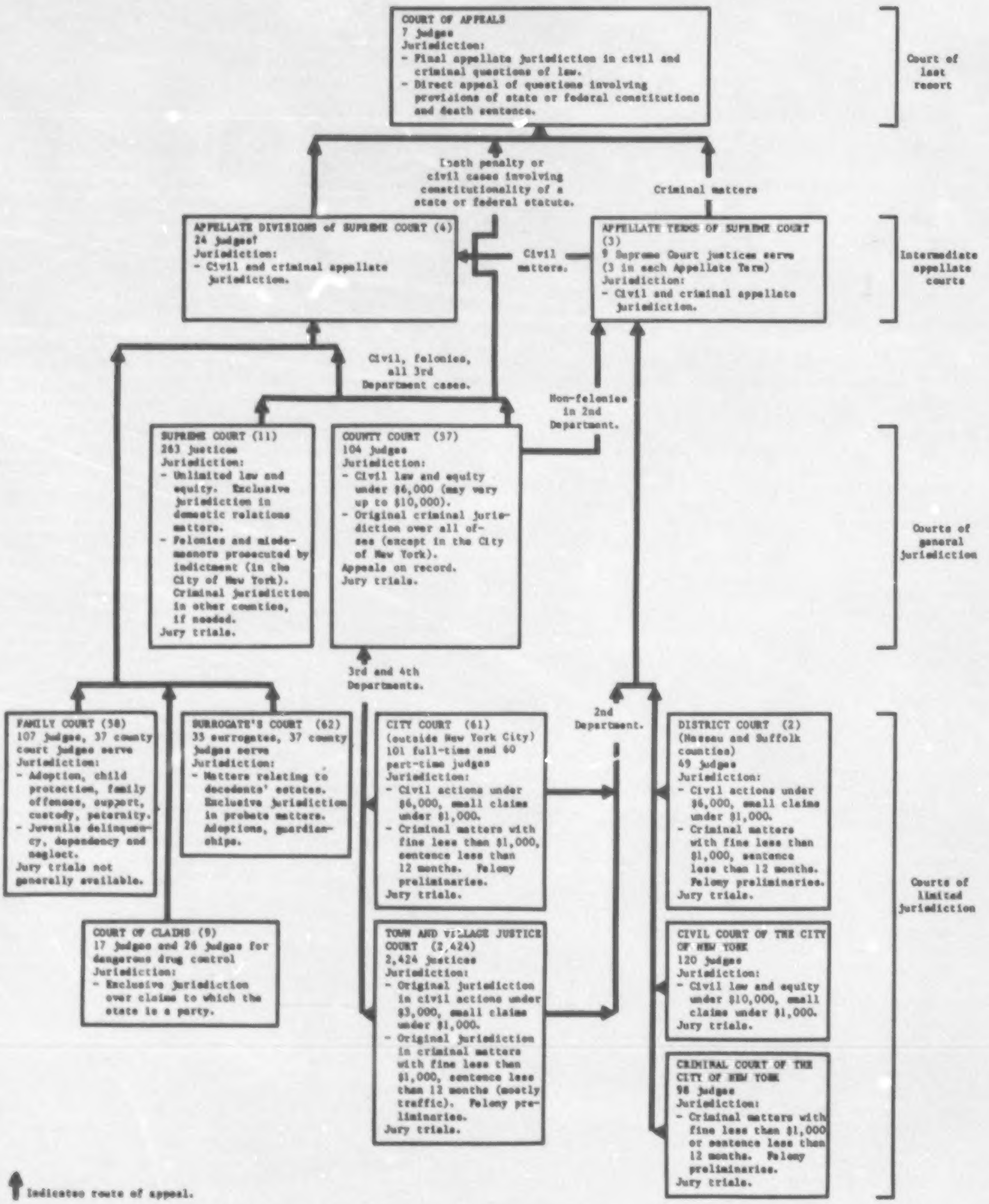
b. Reference Section 5.2.b (state-level administrator).

c. The Court of Appeals may from time to time by an order entered in its minutes appoint and remove its clerk. The clerk has the authority to appoint, at his pleasure, deputy clerks and assistants. The clerk supervises nonjudicial employees in the Court of Appeals.

[Const., Art. VI, §28; Judiciary Law §§57, 257]

1.6 Rule-making. Rule-making authority, with reference to practice and procedure in the courts, is constitutionally divided between the legislature

Figure 1: New York court system, 1980


Court of last resort
Intermediate appellate courts
Courts of general jurisdiction
Courts of limited jurisdiction
Death penalty or civil cases involving constitutionality of a state or federal statute.
Criminal matters
Civil matters.
Civil, felonies, all 3rd Department cases.
Non-felonies in 2nd Department.
3rd and 4th Departments.
2nd Department.

COURT OF APPEALS
7 judges
Jurisdiction:
- Final appellate jurisdiction in civil and criminal questions of law.
- Direct appeal of questions involving provisions of state or federal constitutions and death sentence.

APPELLATE DIVISIONS of SUPREME COURT (4)
24 judges[†]
Jurisdiction:
- Civil and criminal appellate jurisdiction.

APPELLATE TERMS OF SUPREME COURT (3)
9 Supreme Court justices serve (3 in each Appellate Term)
Jurisdiction:
- Civil and criminal appellate jurisdiction.

SUPREME COURT (11)
263 justices
Jurisdiction:
- Unlimited law and equity. Exclusive jurisdiction in domestic relations matters.
- Felonies and misdemeanors prosecuted by indictment (in the City of New York). Criminal jurisdiction in other counties, if needed.
Jury trials.

COUNTY COURT (57)
104 judges
Jurisdiction:
- Civil law and equity under $6,000 (may vary up to $10,000).
- Original criminal jurisdiction over all of-ses (except in the City of New York).
Appeals on record.
Jury trials.

FAMILY COURT (58)
107 judges, 37 county court judges serve
Jurisdiction:
- Adoption, child protection, family offenses, support, custody, paternity.
- Juvenile delinquency, dependency and neglect.
Jury trials not generally available.

SURROGATE'S COURT (62)
33 surrogates, 37 county judges serve
Jurisdiction:
- Matters relating to decedents' estates. Exclusive jurisdiction in probate matters. Adoptions, guardianships.

COURT OF CLAIMS (9)
17 judges and 26 judges for dangerous drug control
Jurisdiction:
- Exclusive jurisdiction over claims to which the state is a party.

CITY COURT (61)
(outside New York City)
101 full-time and 60 part-time judges
Jurisdiction:
- Civil actions under $6,000, small claims under $1,000.
- Criminal matters with fine less than $1,000, sentence less than 12 months. Felony preliminaries.
Jury trials.

TOWN AND VILLAGE JUSTICE COURT (2,424)
2,424 justices
Jurisdiction:
- Original jurisdiction in civil actions under $3,000, small claims under $1,000.
- Original jurisdiction in criminal matters with fine less than $1,000, sentence less than 12 months (mostly traffic). Felony preliminaries.
Jury trials.

DISTRICT COURT (2)
(Nassau and Suffolk counties)
49 judges
Jurisdiction:
- Civil actions under $6,000, small claims under $1,000.
- Criminal matters with fine less than $1,000, sentence less than 12 months. Felony preliminaries.
Jury trials.

CIVIL COURT OF THE CITY OF NEW YORK
120 judges
Jurisdiction:
- Civil law and equity under $10,000, small claims under $1,000.
Jury trials.

CRIMINAL COURT OF THE CITY OF NEW YORK
98 judges
Jurisdiction:
- Criminal matters with fine less than $1,000 or sentence less than 12 months. Felony preliminaries.
Jury trials.

↑ Indicates route of appeal.

[†] Forty-eight retired justices of the Supreme Court were certified to continue to serve; of these, 13 were temporarily designated to the Appellate Divisions of the Supreme Court.

and the courts, although the legislature may delegate its power to any court or to the Chief Administrator of the Courts, provided that the latter may only exercise such power with the advise and consent of the Administrative Board. The legislature is vested with power to determine practice and procedure in the courts. The Chief Judge of the Court of Appeals, after consultation with the Administrative Board of the Courts (made up of the Chief Judge and the four presiding justices of the Appellate Divisions) and approval by the Court of Appeals establishes standards and administrative policies for general application throughout the state.

The Chief Administrator of the Courts is vested with power to adopt administrative rules for the orderly transaction of business in the trial courts. The Appellate Divisions are vested with power to adopt administrative rules for the orderly transaction of business in their courts, and in the Appellate Terms of the Supreme Court in their respective departments.

[Const., Art. VI, §§28, 30; Chief Judge's Administrative Delegation, April 1, 1978 (hereinafter Chief Judge's Delegation)]

Intermediate Appellate Courts

2.1.1 APPELLATE DIVISIONS OF THE SUPREME COURT. There are four Appellate Divisions of the Supreme Court, one in each of the four judicial departments. They sit in permanent locations as follows: 1st Department in Manhattan (New York City), 2nd Department in Brooklyn, 3rd Department in Albany, and 4th Department in Rochester. Sittings in other locations are permitted where the justices determine that public interest so requires. The number, commencement date, and length of terms of the Appellate Divisions are established each year by the Presiding Justices and the associate justices of each Department.

[Const., Art. VI, §4(1), Judiciary Law §75; Chief Judge's Delegation §3]

2.2.1 Organization. The Appellate Divisions sit in panels of 4 or 5 justices on each case. Four justices constitute a quorum and no more than five justices can hear any particular case. The Appellate Divisions in the 1st and 2nd departments consist of seven justices each and in the 3rd and 4th departments of five justices each. Each Appellate Division may also request the Governor to designate additional justices to insure the speedy disposition of business before it.

[Const., Art. VI, §4]

2.3.1 Jurisdiction

a. The court has jurisdiction in all matters relating to the admission, discipline, and removal of attorneys.

b. The Appellate Divisions hear and determine appeals from judgments or orders of the courts of original jurisdiction in criminal and civil cases, and review civil appeals from the Appellate Terms. The divisions may review determinations of the Commission on Judicial Conduct (reference Section 7.1) with respect to justices of Town and Village Justice Courts, if such authority is granted by the legislature. (This jurisdiction was removed October 5, 1980.)

[Const., Art. VI, §§4, 22; Judiciary Law §90; Civil Practice Law and Rules (hereinafter C.P.L.R.) Art. 57]

2.4.1 Justices (24)

a. The presiding justice for each of the four Appellate Divisions is designated by the Governor from justices elected to the Supreme Court in the department in which he is to serve. The presiding justice serves for the remainder of the term to which he was elected as a Supreme Court justice.

b. Appellate Divisions of the Supreme Court justices must have practiced law in the state for at least 10 years prior to appointment.

c. Justices of the Appellate Divisions of the Supreme Court are designated by the Governor from the justices elected to the Supreme Court. A majority of justices in each Appellate Division must be residents of the particular department they are designated to serve. Unless he is a specially designated justice, i.e., one who has been designated to serve in response to the request of an Appellate Division for assistance in insuring the speedy disposition of its caseload, each justice serves 5-year term or the remainder of the Supreme Court term to which he was elected, whichever is less. Qualified justices may be redesignated.

[Const., Art. VI, §§4, 20]

2.5.1 Administration

a. The presiding justice and associate justices of each Appellate Division have administrative authority over their court. This authority includes responsibility for assigning justices, appointing nonjudicial employees, and setting the hours and terms of the court.

b. There is no provision for an administrator for the Appellate Divisions. Reference Section 5.2.b (state-level administrator).

c. The justices of the Appellate Divisions appoint a clerk for their respective courts. They also have the power to remove these appointed clerks. The clerk supervises nonjudicial employees in the Appellate Division.

[Judiciary Law §93; Chief Judge's Delegation]

2.6.1 Rule-making. The Appellate Divisions possess such procedural rule-making authority to adopt administrative rules for the efficient and orderly transaction of business in their courts.

[Chief Judge's Delegation]

2.1.2 APPELLATE TERMS OF THE SUPREME COURT. The Appellate Division of the Supreme Court in each judicial department may establish an Appellate Term for its department or for a county or judicial district within the department.

[Const., Art. VI, §8]

2.2.2 Organization. Each Appellate Term is manned by between 3 and 5 justices. The court sits in panels consisting of no more than three justices. Two justices constitute a quorum and the concurrence of two is required for a decision. There are presently three Appellate Terms. The Appellate Term of the Supreme Court for the 1st Judicial Department sits in New York City and hears appeals from the New York City Criminal and Civil Courts sitting in New York and Bronx Counties. The Appellate Term of the Supreme Court for the 2nd and 11th Judicial Districts (judicial districts that include the counties of Kings, Queens, and Richmond) sits in Brooklyn and hears appeals from the New York City Criminal and Civil Courts sitting in Kings, Queens, and Richmond Counties. The Appellate Term of the Supreme Court for the 9th and 10th Judicial Districts (judicial districts that include the counties of Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk) sits in Brooklyn, Garden City, and White Plains. This court hears appeals from County, District, Town Justice, Village Justice, and City Courts within the 9th and 10th Judicial Districts.

[Const., Art. VI, §8; Title 22, Official Compilation of Codes, Rules, and Regulations of the State of New York (hereinafter 22 NYCRR) §§640, 730]

2.3.2 Jurisdiction

a. The Appellate Terms have no original jurisdiction.

b. Appellate Terms are established as needed by the justices of an Appellate Division. As may be directed by the Appellate Divisions which established them, they have jurisdiction to hear and determine appeals, which are authorized by law to be taken to the Supreme Court or to the Appellate Divisions, provided they may not hear appeals from a Supreme Court, a Surrogate's Court, a Family Court, or appeals in criminal cases prosecuted by indictment.

[Const., Art. VI, §8]

2.4.2 Justices (9 Supreme Court justices serve)

The constitution permits three to five justices per term.

a. There is no provision for a chief justice over the three Appellate Terms. The Chief Administrator designates, with the approval of the appropriate Appellate Division, a presiding justice for each Appellate Term. The presiding justice serves until the end of his term as Supreme Court justice.

b. Appellate Terms justices must have practiced law in the state for at least 10 years.

c. Justices of the Appellate Terms of the Supreme Court are designated by the Chief Administrator of the Courts with the approval of the presiding justice of the Appellate Division in the judicial department in which they will serve from the justices elected to the Supreme Court who are resident within the geographical area served by the Appellate Term.

[Const., Art. VI, §8; Chief Judge's Delegation]

2.5.2 Administration. The presiding justice and associate justices of an Appellate Division in which an Appellate Term has been established have administrative authority over the Appellate Term.

a. The presiding justice appoints personal assistants who serve as their own law secretaries.

b. The presiding justice of an Appellate Term is the administrative judge of that court.

c. Each chief clerk supervises nonjudicial employees in his Appellate Term.

[Chief Judge's Delegation]

2.6.2 Rule-making. Administrative rules for each Appellate Term are promulgated by the Appellate Division that established it.

[Chief Judge's Delegation; 22 NYCRR §§640, 731, 732]

Courts of General Jurisdiction

3.1.1 SUPREME COURT. The Chief Administrator of the Courts, from time to time, fixes the number, commencement dates, and places for holding special and trial terms and the length of such terms of the Supreme Court and assigns justices to hold such terms.

[Const., Art. VI, §28; Chief Judge's Delegation]

3.2.1 Organization. The state is presently divided into 11 judicial districts. Each district is drawn on county lines and contains from 1 to 11 counties. Once every 10 years the legislature may increase or decrease the number of districts. There are no specialized divisions of the court, except in the city of New York which has civil and criminal divisions. A branch of the Supreme Court exists in each county.

[Const., Art. VI, §6; Chief Administrator of the Courts]

3.3.1 Jurisdiction

a. The Supreme Court has exclusive jurisdiction over felonies and indictable misdemeanors in New York City. The court also has unlimited original jurisdiction, but it generally hears cases outside the jurisdiction of other courts, such as: civil matters beyond the financial limits of courts of limited jurisdiction, normally those above $6,000 or $10,000 (varies according to jurisdiction); divorce, separation, and annulment proceedings; and suits in the nature of equity, such as mortgage foreclosures and injunctions.

b. The Supreme Court has no appellate jurisdiction.

[Const., Art. VI, §7]

3.4.1 Justices (263). The number of Supreme Court justices is determined by the legislature within constitutional limitations. The number varies from 9 to 61 per district.

a. There is no provision for a chief justice over the 11 judicial districts or for a presiding justice for each district.

b. Supreme Court justices must have been members of the bar for at least 10 years.

c. Supreme Court justices are elected by the voters of the judicial districts and serve 14-year terms. There are no retention elections in the State of New York. There may be a primary if any party nomination is contested.

[Const., Art. VI, §§6, 20; Judiciary Law §140-a; Chief Judge's Delegation]

3.5.1 Administration

a. There is no provision for a chief justice over the 11 judicial districts, or for presiding justices for each district. The Chief Administrator of the Courts administers the Supreme Court in all districts.

In those districts within New York City, he is assisted by the deputy chief administrative judge for the courts within New York City, as well as by the deputy New York City administrative judges (one for the Criminal Branch, one for the Civil Branch, and one for the Family Court of the City of New York), and by the four assistant administrative judges. The deputy and assistant administrative judges temporarily assign judges and oversee orderly administration. Outside New York City, he is assisted by the deputy chief administrative judge for the courts outside New York City, as well as by the district administrative judges, who temporarily assign judges and oversee orderly administration.

b. There are no provisions for an administrator over all the districts of the Supreme Court or for administrators for the individual districts. Reference Section 5.2.b (state-level administrator).

c. The Chief Administrator of the Courts appoints all court clerks in the trial courts of the state, except in the Town and Village Justice Courts. The Chief Clerk in each court supervises all nonjudicial personnel, except the judges' personal staff (law clerk and stenographer).

[Chief Judge's Delegation]

3.6.1 Rule-making. Administrative rules for the Supreme Court are adopted by the Chief Administrator of the Courts. Individual courts may promulgate local rules consistent with general practice and procedure as provided by statute or general rules.

[Const., Art. VI, 30; Chief Judge's Delegation]

3.1.2 COUNTY COURT. The number, places, commencement dates, and the lengths of terms are set by the Chief Administrator of the Courts, from time to time, as caseloads require.

[Chief Judge's Delegation]

3.2.2 Organization. The courts are constitutionally mandated in each of the state's 57 counties outside of New York City. There are no specialized divisions of the court.

[Const., Art. VI, §10]

3.3.2 Jurisdiction

a. The County Court exercises unlimited jurisdiction over all crimes and other violations of law. Its civil jurisdiction is constitutionally limited to controversies involving less than $6,000, unless the legislature increases a particular County Court's jurisdiction up to a constitutional maximum of $10,000. Fifty-four of the state's 57 County Courts have been conferred civil jurisdiction up to $10,000 by the legislature.

b. The County Court has appellate jurisdiction to hear appeals from determinations in the District, City, and Town and Village Justice Courts.

[Const., Art. VI, §11; Judiciary Law §190]

3.4.2 Judges (104). The number of judges is determined by the legislature. Forty-six of these 104 judges also serve in the Family and/or Surrogate's Courts.

a. The County Court does not have a chief judge over all the counties or presiding judges for the individual counties.

b. County Court judges must have been admitted to practice law in the state for at least 5 years.

c. County Court judges are elected by the voters of their respective counties in partisan elections and serve 10-year terms. There are no retention elections in New York state. There may be a primary if any party nomination is contested.

[Const., Art. VI, §§10, 20; Judiciary Law §§182, 184]

3.5.2 Administration

a. There are no provisions for a chief judge over all the counties of the County Court or for presiding judges for the individual counties.

b. There are no provisions for an administrator over all the 57 County Courts. Reference Section 5.2.b (state-level administrator). Administration is by the Chief Administrator of the Courts, assisted by the deputy chief administrative judge for the courts outside New York City, and further assisted by the district administrative judges. Reference Section 3.5.1. In multijudge County Courts, one judge may be designated as supervising judge of that court.

c. The Chief Administrator of the Courts appoints County Court clerks, who supervise nonjudicial employees in a County Court, except for the personal staffs of the judges.

[Chief Judge's Delegation]

3.6.2 Rule-making. Reference Section 3.6.1.

Courts of Limited or Special Jurisdiction

4.1.1 SURROGATE'S COURT. The number, places, commencement dates, and the lengths of terms are set by the Chief Administrator of the Courts, from time to time, as caseloads require.

[Chief Judge's Delegation]

4.2.1 Organization. Each of the state's 62 counties, including the 5 counties in New York City, has a Surrogate's Court. There are no specialized divisions of the court.

4.3.1 Jurisdiction

a. The Surrogate's Court has jurisdiction over all actions and proceedings relating to the affairs of decedents, probate of wills, administration of estates, and guardianship of the property of minors. The Surrogate's Court also has concurrent jurisdiction with the Family Court over adoption proceedings.

b. The Surrogate's Court has no appellate jurisdiction.

[Const., Art. VI, §12; Family Court Act Section 641]

4.4.1 Judges (35). The number of surrogate judges is determined by the legislature. Each court must have at least one judge and others are added by legislative acts. County Court judges can serve as the county's surrogate. Currently there are 35 surrogate judges, 9 county judges who are also surrogates, and 28 county judges who are also surrogates and Family Court judges.

a. Surrogate's Court in each county is presided over by an elected surrogate, or, where the legislature has so provided, by a County Court judge discharging the duties of surrogate.

b. Surrogates must have been admitted to practice law in New York for at least 10 years, while County Court judges who also discharge the duties of surrogates need only have been admitted to the practice of law for at least 5 years.

c. Surrogates are selected in the same manner as County Court judges. Reference Section 3.4.2.c. Judges serve 10-year terms, except New York City Surrogate's Court judges, who serve 14-year terms.

[Const., Art. VI, §§12, 14, 20; Judiciary Law §184; Surrogate's Court Procedure Act, §2603]

4.5.1 Administration

a. There are no provisions for presiding judges for the Surrogate's Court.

b. There are no provisions for an administrator over all the Surrogate's Courts or administrators for the individual Surrogate's Court. Reference Section 5.2.b (state-level administrator). The Chief Administrator of the Courts administers all the Surrogate's Courts, assisted by the deputy chief administrative judges for the courts outside and inside New York City, as well as by their subordinates. Reference Section 3.5.1.

c. The Chief Administrator of the Courts appoints Surrogate's Court clerks, who supervise nonjudicial employees in Surrogate's Courts, except for the personal staffs of the surrogates.

[Chief Judge's Delegation]

4.6.1 Rule-making. Reference Section 3.6.1.

4.1.2 FAMILY COURT. Uniform Family Court Rules provide that the Family Court shall be open Monday through Friday, 9:30 a.m.-5:00 p.m., except that the Chief Administrator of the Courts may provide differently outside the City of New York, depending upon caseload.

[22 NYCRR §250.1]

4.2.2 Organization. There is a Family Court established for the state of New York. It is established in each county outside the City of New York, and also in the City of New York.

[Const., Art. VI, §13; Family Court Act §§117, 121, 131; Chief Administrator of the Courts]

4.3.2 Jurisdiction

a. The Family Court has jurisdiction in cases involving families and children. The court's major types of cases involve: juvenile delinquency; child protection; minors in need of supervision; review and approval of foster care placements; paternity determinations; family offenses; adoptions (concurrent jurisdiction with the Surrogate's Court); support of dependent relatives; permanent neglect; termination of parental rights; guardianship; and custody. The Supreme Court, however, rather than the Family Court, has jurisdiction over cases involving divorce, separation, and annulment.

The Family Court in New York City also has "Designated Felony Act Parts" for hearing certain felony cases specified by statute. In other counties of the state, these designated felony cases have hearing preference.

b. The Family Court has no appellate jurisdiction.

[Const., Art. VI, §§7, 13]

4.4.2 Judges (107; 37 County judges also serve). The number of judges is determined by the legislature. Family Court in each county is presided over by one or more Family Court judges, or, where the legislature has so provided, by a County Court judge discharging the duties of Family Court judge.

a. The Family Court does not have presiding judges.

b. Family Court judges must have been admitted to practice law in New York for at least 10 years, while County Court judges who also discharge the duties of Family Court or Family and Surrogate's Court judge, need only have been admitted to the practice of law for 5 years.

c. Family Court judges are elected by the voters of their respective counties in partisan elections except in New York City, where they are appointed by the Mayor. All judges serve a 10-year term.

[Const., Art. VI, §§13, 14, 20; Family Court Act §§121, 124, 131, 134]

4.5.2 Administration

a. There are no provisions for presiding judges for the Family Court.

b. There are no provisions for an Administrator over the Family Court statewide. Reference Section 5.2.b (state-level administrator). The Chief Administrator of the Courts administers the entire Family Court statewide, assisted by the deputy chief administrative judges for the courts inside and outside New York City, and their subordinates. These include, in New York City, the Family Court administrative judge. Outside New York City, special administrative judges for the Family Court have been appointed to supervise the Family Court where a need for such administrative judges exists. Reference Section 3.5.1.

c. Each Family Court has a clerk of court who keeps the records and seal. The clerk supervises nonjudicial employees in his Family Court.

[Family Court Act §216; Chief Administrator of the Courts]

4.6.2 Rule-making. Uniform statewide Family Court rules and local rules for the Family Court of New York City have been promulgated. Reference Section 1.6.

[Family Court Act §212; 22 NYCRR §2501 to §2510, §§2590, 2655, 2685, 2755, 2770, 2810, 2830]

4.1.3 CIVIL COURT OF THE CITY OF NEW YORK. The number, places, commencement dates, and the lengths of terms are set by the Chief Administrator of the Courts, from time to time, as caseload requires.

[Chief Judge's Delegation]

4.2.3 Organization. The Civil Court sits at various locations in the 5 counties of New York City. The Civil Court of the City of New York has a Small Claims Part and a Housing Part.

[New York City Civil Court Act (hereinafter C.C.A.) §§102, 110, 1801]

4.3.3 Jurisdiction

a. The Civil Court of the City of New York has jurisdiction to entertain civil cases involving amounts up to $10,000. It includes a Small Claims Part for informal disposition of matters not exceeding $1,000 and a Housing Part for housing code violations.

b. The Civil Court of the City of New York has no appellate jurisdiction.

[Const., Art. VI, §15; C.C.A. §110, Act 2, Art. 18].

4.4.3 Judges (120). The number of judges authorized is determined by the legislature.

a. The Civil Court does not have presiding judges.

b. Civil Court judges must have practiced law in the state for at least 10 years.

c. Civil Court judges are elected in partisan elections in a county in New York City or in a court district in New York City and serve 10-year terms.

[Const., Art. VI, §§15, 20; C.C.A. §102]

4.5.3 Administration

a. There are no provisions for presiding judges for the Civil Court of New York City.

b. The Chief Administrator of the Courts administers the Civil Court of the City of New York, assisted by the deputy chief administrative judge for courts inside New York City, and by a deputy New York City administrative judge who is also administrative judge for the Civil Court. Reference Section 3.5.1.

c. The chief clerk has the power to administer oaths, take acknowledgements, and sign the process or mandate of the courts. The chief clerk supervises nonjudicial employees in the Civil Court of the City of New York.

[C.C.A. §109]

4.6.3 Rule-making. Special rules of practice for the Civil Court of the City of New York have been promulgated. Reference Section 1.6.

[22 NYCRR Part 2900; C.C.A. §2103]

4.1.4 CRIMINAL COURT OF THE CITY OF NEW YORK. The Criminal Court of the City of New York is in session daily, except Saturdays, Sundays, and holidays. The numbers, places, commencement dates, and the length of terms are set, from time to time, by the Chief Administrator of the Courts.

[22 NYCRR 2950.3; Chief Judge's Delegation]

4.2.4 Organization. The judges of the Criminal Court sit at various locations in the 5 counties of New York City. The court in each county of the city is divided into specialized divisions or parts that handle certain events in the trial process. The jurisdiction of each of these parts is specified by rules of court.

[22 NYCRR Parts 2950.1, 2950.2; New York City Criminal Court Act (hereinafter Crim. Ct. Act) §20]

4.3.4 Jurisdiction

a. The Criminal Court of the City of New York has jurisdiction to conduct felony arraignments and preliminary hearings. It also has jurisdiction to hear, try, and determine all misdemeanor cases, and all offenses of a grade less than misdemeanor, including ordinance violations.

b. The Criminal Court of the City of New York has no appellate jurisdiction.

[Const., Art. VI, §15; Crim. Ct. Act Section 31; C.P.L.R. §10.30]

4.4.4 Judges (98). The number of judges authorized is determined by the legislature.

a. The Criminal Court of the City of New York does not have presiding judges.

b. Criminal Court judges must have practiced law in the state for at least 10 years.

c. Criminal Court judges are appointed by the mayor of the city for 10-year terms.

[Const., Art. VI, §§15, 20; Crim. Ct. Act §20]

4.5.4 Administration

a. There are no provisions for presiding judges for the Criminal Court of the City of New York.

b. The Chief Administrator of the Courts administers the Criminal Court of the City of New York, assisted by the deputy chief administrative judge for courts inside New York City, and by the deputy New York City administrative judge who is also administrative judge for the Criminal Court. Reference Section 3.5.1.

c. The chief clerk has the power to administer oaths, take acknowledgements, and sign the process of the courts under the seal thereof. The keeping of records of court and certifying and furnishing these records are duties of a clerk of court and his assistants. The chief clerk supervises nonjudicial employees in the Criminal Court of the City of New York.

[C.C.A. §23]

4.6.4 Rule-making. Special rules of practice for the Criminal Court have been promulgated. Reference Section 1.6.

[22 NYCRR Part 2950.2]

4.1.5 DISTRICT COURT. The number, places, commencement dates, and the lengths of terms are set by the Chief Administrator of the Courts, from time to time, as caseloads require.

[Chief Judge's Delegation]

4.2.5 Organization. Courts may only be established in counties or portions of counties with the consent of the voters residing therein. At present, only two District Courts exist in the state, both located on Long Island. Nassau District Court includes Nassau County, while the Suffolk District Court includes the five westernmost towns of Suffolk County. Specialized divisions or parts are permitted in accordance with court rules. Each court has a Small Claims Part.

[Const., Art. VI, §16; 22 NYCRR §§3935.1, 3840.1; Uniform District Court Act (hereinafter U.D.C.A.) §§207, Art. 18, 2401 (Supplemental Provisions); The American Bench, p. 1303]

4.3.5 Jurisdiction

a. The District Court exercises the same criminal jurisdiction as the Criminal Court of New York City and civil jurisdiction similar to the Civil Court of New York City, except that the amount in a civil action may not exceed $6,000. The Small Claims Part has jurisdiction involving amounts up to $1,000.

b. The District Court has no appellate jurisdiction.

[Const., Art. VI, §§15, 16; U.D.C.A. Art. 2, Art. 18, §2001; C.P.L.R. §10.30]

4.4.5 Judges (49). Each District Court must have at least one judge and such others as provided by law.

a. The judge elected from Nassau County as a whole, and the judge elected in Suffolk County from the entire District Court system, become President of the Board of Judges of their respective District Courts for their term of office.

b. District Court judges must have practiced law in the state for at least 5 years.

c. District Court judges are elected by the voters of their respective districts in partisan elections and serve 6-year terms.

[Const., Art. VI, §§16, 20; §2406 of Nassau County Government Law; §2407 of Suffolk County Charter]

4.5.5 Administration

a. There is a President of the Board of Judges in each District Court, designated by statute.

b. The Chief Administrator of the Courts administers the District Courts, assisted by the deputy chief administrative judge for courts outside New York City, and further assisted by the district administrative judge and the Nassau and Suffolk administrative judges (reference Section 3.5.1). Reference Section 5.2.b (state-level administrator). In each of the two existing District Courts, the President of the Board of Judges has also been appointed administrative judge.

c. The clerk supervises the nonjudicial employees in his District Court. He has responsibilities as determined by the Court.

[Chief Administrator of the Courts]

4.6.5 Rule-making. Special rules of practice for the two District Courts have been adopted and promulgated. Reference Section 1.6.

[22 NYCRR Parts 3840, 3935]

4.1.6 CITY COURT (outside the City of New York). The number, places, commencement dates, and the lengths of terms are set by the Chief Administrator of the Courts, from time to time, as caseloads require.

[Chief Judge's Delegation]

4.2.6 Organization. The state has 61 City Courts, one in each city outside New York City. Fourteen are courts of record; forty-seven are courts not of record. City courts are created, and may also be abolished, by the legislature. Each City Court has a Small Claims Part with jurisdiction up to $1,000. Other specialized divisions may be established.

[Const., Art. VI, §17; 22 NYCRR Parts 3000, 3200, 3400; U.C.C.A. Art. 18; Const., Art. VI, §17]

4.3.6 Jurisdiction

a. The City Courts have the same criminal jurisdiction as the District Court and the Criminal Court of the City of New York. Their civil jurisdiction is similar to that of the District Court except that the specific monetary jurisdiction of each court varies. The monitary jurisdiction of each court is set forth in the legislative act that established the particular court.

b. The City Court has no appellate jurisdicton.

[Const., Art. VI, §17; U.C.C.A. §§2001, 2300; C.P.L.R. §10.30]

4.4.6 Judges (101 full-time and 60 part-time). The number of judges in the City Courts is determined by the legislature.

a. In most multi-judge City Courts there is either a chief or an administrative judge (or both) of the respective cities. Such matters are treated in each city charter. The chief judge may also be designated as administrative judge by the chief court administrator.

b. City Court judges must have been members of the bar for at least 5 years.

c. City Court judges may either be elected by the voters or appointed by the City Council, depending on provisions of the legislative act that established the particular court. They serve 2- to 10-year terms.

[Const., Art. VI, §§17, 20]

4.5.6 Administration

a. In most multi-judge City Courts outside the City of New York there is either a chief judge or an administrative judge or both.

b. The Chief Administrator of the Courts administers the City Courts, assisted by the deputy chief administrative judge for courts outside New York City, and further assisted by the district administrative judges. Reference Section 3.5.1. In most multi-judge City Courts outside the City of New York, there is either a presiding judge or an administrative judge or both.

c. The clerk in each City Court supervises the nonjudicial employees in his court. He has responsibilities as determined by the court.

[Chief Judge's Delegation]

4.6.6 Rule-making. Uniform procedural and administrative rules relating to the City Courts within each judicial department have been promulgated. Reference Section 1.6.

[22 NYCRR Parts 3000, 3200, 3400]

4.1.7 COURT OF CLAIMS. Two terms of court are held each year in each Court of Claims district.

[22 NYCRR Parts 1200.1, 1200.2]

4.2.7 Organization. The state is divided into nine Court of Claims districts. There are no specialized divisions of the court.

[22 NYCRR Part 1200.1]

4.3.7 Jurisdiction

a. The Court of Claims has jurisdiction to hear and determine claims against the state, by the state against the claimants, or between conflicting claimants.

b. The Court of Claims has no appellate jurisdiction.

[Const., Art. VI, §9; Court of Claims Act Section 9]

4.4.7 Judges (43). The constitution sets the court's membership at eight; however, it can be decreased to six or increased to any number by the legislature. The legislature has set the court's permanent membership at 17.

a. The Governor designates the presiding judge over the nine districts. The presiding judge serves in this role for the remainder of his term.

b. Court of Claims judges must have practiced law in the state for at least 10 years.

c. The 17 Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, and serve 9-year terms. In addition, the legislature has authorized the Governor to designate additional temporary (one-term only) Court of Claims judges (Dangerous Drug Control Program) who are assigned to other courts. These judges now number 26.

[Const., Art. VI, §§9, 20; Court of Claims Act §2; Chief Judge's Delegation]

4.5.7 Administration

a. The presiding judge is generally responsible for the orderly administration of the Court of Claims under the Chief Administrator of the Courts.

b. The Court of Claims is administered by the Chief Administrator of the Courts assisted by the presiding judge of the Court of Claims. Reference Section 4.5.7.a.

c. The clerk of the Court of Claims supervises the nonjudicial employees in the court. He has responsibilities as determined by the court.

[Chief Judge's Delegation]

4.6.7 Rule-making. The legislature has specifically granted to the Court of Claims authority to establish rules for the government of the court and the regulation of practice therein, provided that such rules are consistent with statutes of the state.

[Court of Claims Act §9]

4.1.8 TOWN JUSTICE COURT and VILLAGE JUSTICE COURT. Town and Village justices must hold within their town or village a court for the trial of any action or special proceeding brought before them over which they have jurisdiction. Most towns and villages have justice courts. A Village Justice Court has civil jurisdiction over causes of action arising within a village. If a village is within a town, then the Town and Village Justice Courts have concurrent civil jurisdiction within the village. The frequency of their sessions is prescribed by rules of court.

[Uniform Justice Court Act (hereinafter U.J.C.A.), Art. 2, §§2001, 2103]

4.2.8 Organization. A Small Claims Part is mandated by statute.

[U.J.C.A. §1802]

4.3.8 Jurisdiction

a. Town and Village Justice Courts have the same criminal jurisdiction as the Criminal Court of the City of New York. Reference Section 4.3.4.a. Their civil jurisdiction extends to controversies involving up to $3,000. These courts also have jurisdiction in summary proceedings involving landlords and tenants without regard to amount. Small claims jurisdiction extends to actions involving $1,000 or less.

b. Town and Village Justice Courts have no appellate jurisdiction.

[C.P.L.R. §10.30; U.J.C.A. §§201, 204, 1801, 2001; Chief Administrator of the Courts]

4.4.8 Judges (2,424). The legislature prescribes the number of justices in each of these courts. A village may have no more than two village justices. Each town has two town justices, unless a greater number is otherwise prescribed by law or a particular town.

a. The Town and Village Justice Courts do not have presiding judges.

b. Justices of these courts need not be attorneys. If they are not attorneys, they must complete a course of training and education.

c. Village justices are selected in a manner that is determined locally. Town justices are elected by the voters. Village justices normally serve 4-year terms; however, if the village Board of Trustees establishes additional offices of village justice, it may also prescribe an initially shorter term so that village justices thereafter are elected every 2 years. The constitution prescribes that town justices serve 4-year terms.

[Const., Art. VI, §§17, 20; U.J.C.A. §105; Village Law §§3-301, 3-302; Town Law §20(1)(b)]

4.5.8 Administration

a. There are no provisions for presiding judges in the Town and Village Justice Courts.

b. There are no provisions for an administrator over the Town and Village Justice Courts. Reference Section 5.2.b (state-level administrator). The Chief Administrator of the Courts administers the Town and Village Justice Courts, assisted by the deputy chief administrative judge for courts outside New York City, and further assisted by the district administrative judges. Reference Section 3.5.1.

c. In many Town and Village Justice Courts, there is no clerk. In a few of these courts, there is a clerk and other nonjudicial staff over whom the clerk exercises general supervision.

[Chief Administrator of the Courts]

4.6.8 Rule-making. Many procedural matters are defined and specified in the U.J.C.A. The Civil Practice Law and Rules (C.P.L.R.) and the Criminal Practice Law also apply to these courts. Special rules may be promulgated provided they are consistent with statute and the C.P.L.R. Reference Section 1.6.

[U.J.C.A. §2103]

State-Level Administration

5.1 General administrative authority. Administrative authority over the courts is vested in the Chief Judge Court of Appeals, the Court of Appeals, and the Chief Administrator of the Courts. The Chief Judge, after consultation with the Administrative Board of the Courts, establishes standards and administrative policies for general application throughout the state. Upon approval by the Court of Appeals, such standards and policies are promulgated by the Chief Judge. The Chief Administrator of the Courts, on behalf of the Chief Judge, supervises the administration and operation of the unified court system. The Chief Judge appoints the Chief Administrator of the Courts with the advice and consent of the Administrative Board of the Courts. Itemized estimates of the financial needs of the judiciary are approved by the Court of Appeals and certified by the Chief Judge, prior to transmittal to the Governor for inclusion in the budget. Such estimates cannot be revised by the Governor. Reference Section 1.5.a.

[Const., Art. VI, §28, Art. VII, §1]

5.2 Office of Court Administration

a. Establishment of an Office of Court Administration is authorized by Judiciary Law §212(1)(b) and by Chief Judge's Administrative Delegation (April 1, 1978 §1(b)(viii)).

b. Chief Administrator of the Courts (If the individual appointed is a judge, the title is Chief Administrative Judge.)

(1) The position of Chief Administrator is provided for in the constitution.

(2) The constitution does not specify qualifications for the Chief Administrator. In practice, he must show integrity, the ability to work with court personnel, and general legal and administrative abilities. The Chief Administrator of the Courts is appointed by the Chief Judge with the advice and consent of the Administrative Board of the Courts, and serves at the pleasure of the Chief Judge.

(3) The Chief Administrator performs the following duties:

(a) Supervises, on behalf of the Chief Judge, the administration and operation of the unified court system.

(b) Forwards the itemized estimates of the judiciary's financial needs to the appropriating bodies with recommendations and comments.

(c) Assigns justices and judges on a temporary basis.

(d) Designates and removes justices of Appellate Terms with the approval of the presiding justice of the appropriate Appellate Division.

(e) Designates the place or places where Appellate Terms are held.

(f) Promulgates rules of judicial conduct with the approval of the Court of Appeals.

(g) Exercises such procedural rule-making powers as are delegated by the legislature. Such powers are exercised with the advice and consent of the Administrative Board of the Courts.

(h) Adopts administrative rules for the efficient and orderly transaction of business in the trial courts in consultation with the Administrative Board of the Courts or the appropriate Appellate Divisions.

(i) Appoints administrative judges in consultation with the presiding justice of the Appellate Division in whose department the court is located.

(j) Designates, in consultation with the presiding justice of the appropriate Appellate Division, two deputy chief administrators, one for the trial courts in New York City and another for the trial courts outside the city.

(k) Establishes regular hours, terms and parts of court, and assigns justices and judges to them.

c. Office organization. The total staff of the administrative office is 438. This includes the 214 employees in the New York City statewide office and 66 employees in Albany. The Office of the Deputy Administrator for the New York City Courts (where the director of administration for New York City courts is located also) is staffed with 122 persons. The administrative offices of the 2nd (outside New York City), 3rd, and 4th Departments have 12, 13, and 11 employees respectively. The Chief Administrator appoints directors of administration in the 2nd, 3rd, and 4th Judicial Departments, who provide administrative support in budget and personnel matters. The professional staff provides support services in the following areas: policy formulation, and executive advice to the Chief Judge; systems analysis, programming, and computer operations; records management; court reporting, trial court administration, court coordination, other court services, facilities management, and court security; payroll, accounting, auditing, budgeting, and purchasing; education, and equal employment opportunities; personnel systems, office management, and employee relations; legislative, executive, public and media information, and executive and legislative liaison; and planning and research activities including statistical compilation, judicial planning, research evaluation, statistical analysis, legal services, and legislative drafting.

[Const., Art. VI, §28; Judicial Article Sections 8, 20, 26, 28, 29, 30; 22nd Annual Report, pp. 5-11; Chief Judge's Delegation]

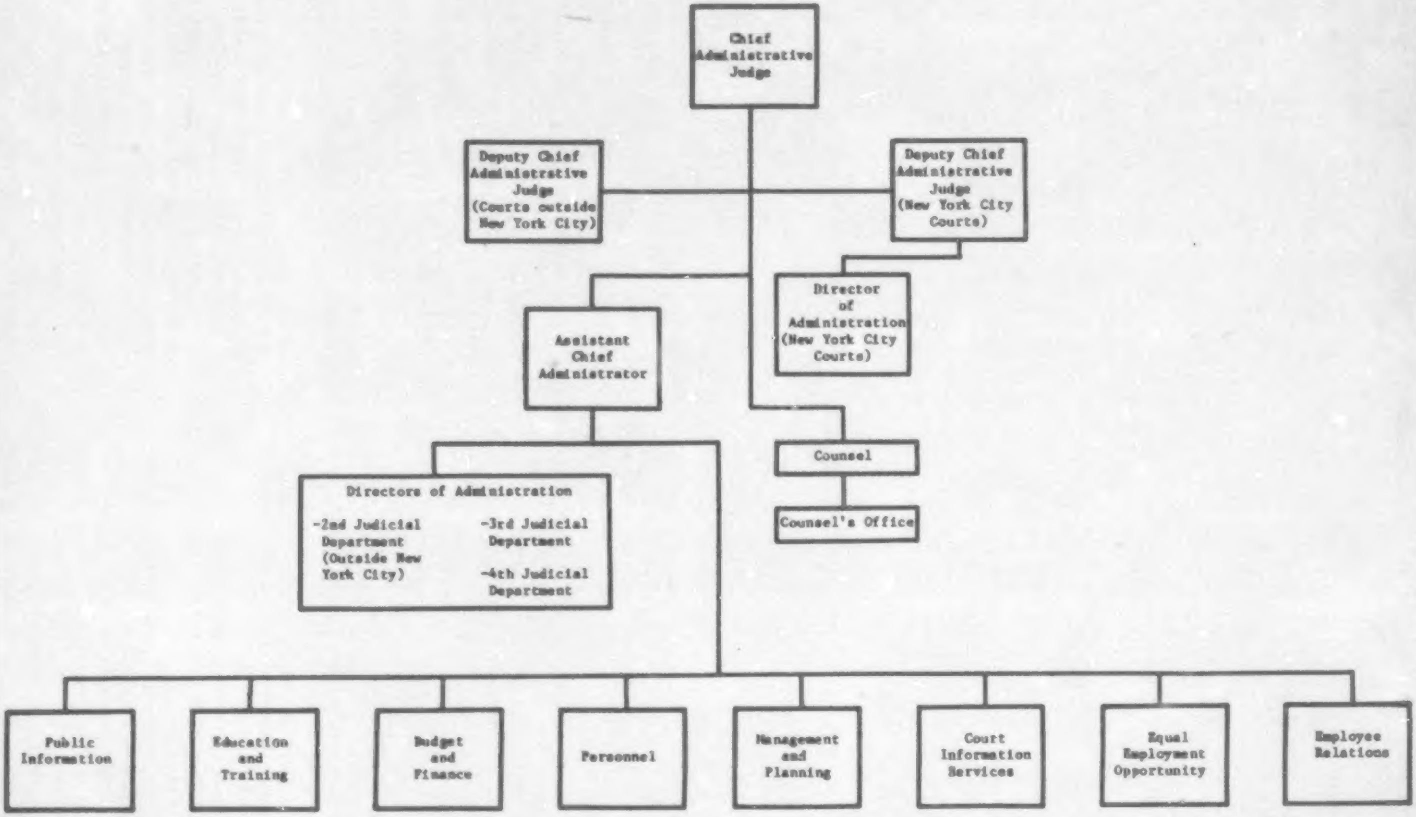
Quasi-Judicial Officers

6.1.1 TRIAL COURTS

6.2.1 Referee

a. A court may designate either one or three

Figure 2: New York state-level administrative office of the courts, 1980



Chief Administrative Judge
Deputy Chief Administrative Judge (Courts outside New York City)
Deputy Chief Administrative Judge (New York City Courts)
Director of Administration (New York City Courts)
Assistant Chief Administrator
Counsel
Counsel's Office
Directors of Administration
-2nd Judicial Department (Outside New York City)
-3rd Judicial Department
-4th Judicial Department
Public Information
Education and Training
Budget and Finance
Personnel
Management and Planning
Court Information Services
Equal Employment Opportunity
Employee Relations

referees. All referees must be attorneys unless both parties consent to nonattorneys. Referees are selected by the court.

b. The referees serve the trial courts of New York as needed. The order of reference directs the referee to determine the action or specific issues, to report the issues, to perform particular acts, or receive and report evidence only.

[C.P.L.R. Art. 43]

6.1.2 FAMILY COURT

6.2.2 Hearing examiner

a. Hearing examiners are selected by the Chief Administrator of the Courts. Such examiners must be attorneys who have been admitted to the New York Bar for at least 4 years and have experience in Family Court practice.

b. The examiner has the power to issue subpoenas, to administer oaths, and to direct the parties to engage in and permit disclosure proceedings. Proceedings are conducted in the same manner as a court trying an issue without a jury. The examiner's report can be accepted or rejected in whole or part by the referring judge.

[Family Court Act, §439]

Judicial Discipline

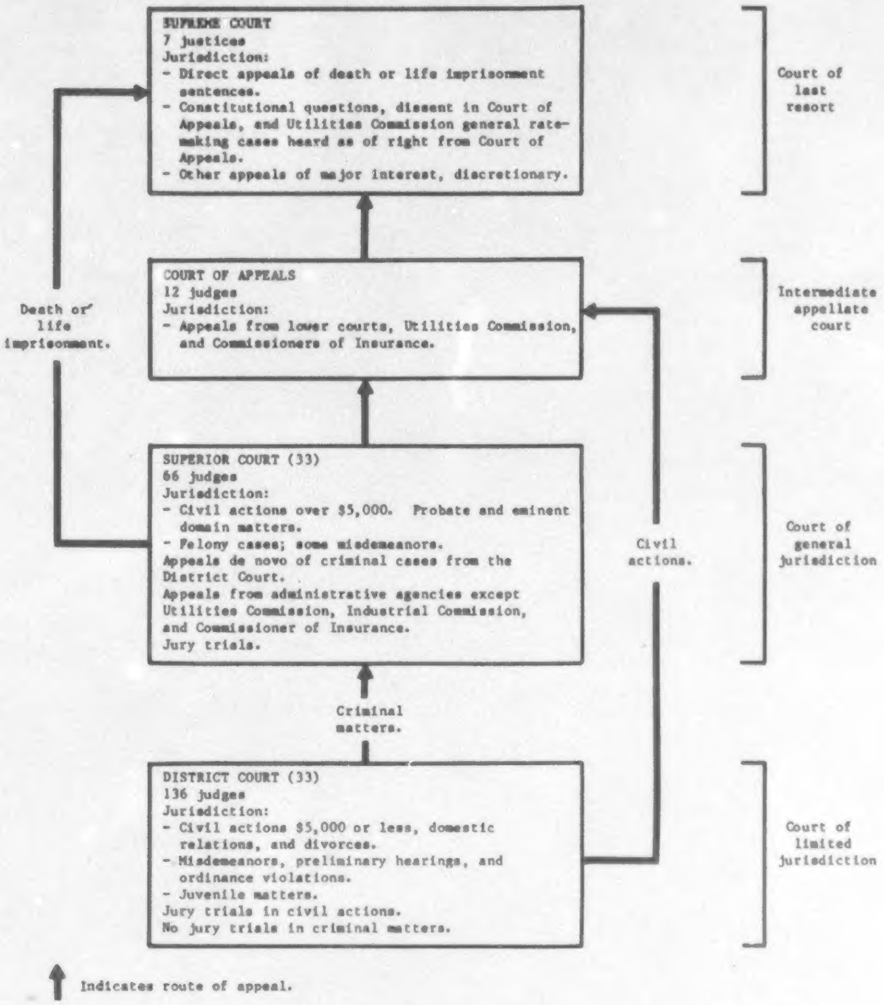
7.1 Commission on Judicial Conduct. The commission consists of 11 members, 4 of whom are appointed by the Governor, 3 by the Chief Judge of the Court of Appeals, and 1 each by the Speaker of the Assembly, Temporary President of the Senate, Minority Leader of the Assembly, and the Minority Leader of the Senate. The Governor's appointments must include one lawyer, one judge, and two persons who are neither lawyers or judges. The Chief Judge must appoint one Appellate Division justice and two other judges or justices, but they cannot be members of the Court of Appeals or the Appellate Divisions. Legislative appointees cannot be active or retired judges or justices.

[Const., Art. VI, §22]

7.2 Authority and procedure for sanction. The organization and procedures of the commission are provided by law. The following procedures are specified in the constitution. The commission receives or initiates, investigates, and hears all complaints against judges and justices. The commission can determine that a judge or justice be admonished, censured or removed from office for cause, including but not limited to misconduct in office, persistent failure to perform his duties, habitual intemperence, and conduct prejudicial to the administrstion of justice. It may also determine that a justice or judge be retired for mental or physical disability, which prevents the proper performance of his judicial duties. All such determinations are transmitted to the Chief Judge of the Court of Appeals. The chief judge provides written notice of such to the judge under investigation, who in turn has 30 days to request a review of same by the entire Court of Appeals. After its review, the Court of Appeals may accept, reject or modify the commission's determination. If the legislature so provides, commission determinations relating to town and village justices can be reviewed by an Appellate Division, rather than the Court of Appeals.

[Const., Art. VI, §22; Judiciary Law §§40-48]

Figure 1: North Carolina court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Direct appeals of death or life imprisonment sentences.
- Constitutional questions, dissent in Court of Appeals, and Utilities Commission general rate-making cases heard as of right from Court of Appeals.
- Other appeals of major interest, discretionary.
Court of last resort
Death or life imprisonment.
COURT OF APPEALS
12 judges
Jurisdiction:
- Appeals from lower courts, Utilities Commission, and Commissioners of Insurance.
Intermediate appellate court
SUPERIOR COURT (33)
66 judges
Jurisdiction:
- Civil actions over $5,000. Probate and eminent domain matters.
- Felony cases; some misdemeanors.
Appeals de novo of criminal cases from the District Court.
Appeals from administrative agencies except Utilities Commission, Industrial Commission, and Commissioner of Insurance.
Jury trials.
Civil actions.
Court of general jurisdiction
Criminal matters.
DISTRICT COURT (33)
136 judges
Jurisdiction:
- Civil actions $5,000 or less, domestic relations, and divorces.
- Misdemeanors, preliminary hearings, and ordinance violations.
- Juvenile matters.
Jury trials in civil actions.
No jury trials in criminal matters.
Court of limited jurisdiction
Indicates route of appeal.

NORTH CAROLINA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court is one of the two branches composing the Appellate Division (made up of the court of last resort and intermediate appellate courts in the state) of the General Court of Justice (the court system of North Carolina). The sessions of the court are held in Raleigh unless otherwise determined by the General Assembly. There are two terms of court each year; a spring term commencing on the first Tuesday in February and a fall term commencing on the first Tuesday in September.

[Constitution, Article IV, Sections 5, 6(2); General Statutes (hereinafter Gen. Stats.) Section 7A-5; Rules of Appellate Procedure 28(a)(1)]

1.2 Organization. The Supreme Court does not sit in panels. Four justices constitute a quorum.

[Gen. Stats. §7A-10]

1.3 Jurisdiction

a. The Supreme Court has jurisdiction to issue prerogative writs, including mandamus, prohibition, certiorari, and supersedeas.

b. The Supreme Court has jurisdiction to review on appeal a judgment of the Superior Court that includes a sentence of death or life imprisonment, unless the judgment was based upon a plea of guilty or nolo contendere.

The court has jurisdiction to review decisions of the Court of Appeals rendered in cases that directly involve a substantial question arising under the Constitution of the United States or of North Carolina, in which there is a dissent, or which involve review of a decision of the North Carolina Utilities Commission in a general rate-making case. These appeals from the Court of Appeals are as of right.

In any cause in which appeal has been taken to the Court of Appeals (except in a cause appealed from the North Carolina Utilities Commission or the North Carolina Industrial Commission, or a case involving review of a postconviction proceeding), the Supreme Court may, in its discretion on motion of any party to the cause or on its own motion, certify the cause for review by the Supreme Court, either before or after it has been determined by the Court of Appeals.

The Supreme Court has discretionary review before determination of the cause by the Court of Appeals when it appears to the Supreme Court that the subject matter of the appeal has significant public interest, when the cause involves legal principles of major significance to the jurisprudence of the state, when delay in final adjudication is likely to result from failure to certify and thereby cause substantial harm, or when the workload of the other courts of the Appellate Division is such that the expeditious administration of justice requires certification.

[Gen. Stats. §§7A-27, 7A-30, 7A-31, 7A-32]

1.4 Justices (7)

a. The position of Chief Justice is a separate office. A candidate must file for and run for the office of Chief Justice. The Chief Justice serves a term of 8 years.

b. Supreme Court justices must be United States citizens, must have a law degree, must be admitted to the North Carolina Bar, must be at least 21 years of age and must have been a resident of the state for at least 1 month.

c. Supreme Court justices are elected to 8-year terms by the qualified voters of the state in partisan elections. All vacancies are filled by gubernatorial appointment effective until the next general election.

[Const., Art. IV, §§16, 19; Gen. Stats. §7A-10; Administrative Director]

1.5 Administration

a. The Supreme Court exercises administration and supervision over the entire court system through the Chief Justice, the Administrative Director of the Courts, the chief judge of the Court of Appeals, resident judges of the Superior Court, 8 trial court administrators, and the chief district judges. Reference Section 5.1 (General administrative authority). The Chief Justice also performs specific administrative duties for the Supreme Court.

b. The Administrative Director provides administrative services for the Supreme Court. Reference Section 5.2.b (state-level administrator).

c. The position of Supreme Court clerk is authorized by statute. The clerk is appointed and serves at the pleasure of the court. There are no formal provisions for assigning administrative duties to the clerk. In practice, the clerk supervises the docket, the printing office, and his own staff.

[Gen. Stats. §7A-11; Administrative Director]

1.6 Rule-making. The constitution provides that the Supreme Court has exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions; however, the General Assembly may delegate this authority to the Supreme Court. If the legislature does delegate this power, the legislature may still alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions. Case law on rule-making indicates that Supreme Court rules are mandatory and are strictly enforced. Although the Supreme Court has general power to supervise and control the proceedings of any of the other courts, there are no formal provisions regarding rules for court administration.

[Const., Art. IV, §13(2); Gen. Stats. §7A-32; Pattern Rules of Court and Code Provision, p. 379]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The Court of Appeals is one of the two branches composing the Appellate Division of the General Court of Justice. The court sits in Raleigh, and at such other locations as the Supreme Court may designate. The chief judge schedules sessions of the court as required to discharge expeditiously the court's business.

[Const., Art. IV, §5; Gen. Stats. §§7A-16, 7A-19]

2.2 Organization

The Court of Appeals sits in panels of three judges each.

[Gen. Stats. §7A-16]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has jurisdiction to issue remedial and prerogative writs. The court, pursuant to General Statutes §§7A-26, 7A-27, 7A-29, 7A-666, and 7A-725 hears the following appeals:

(1) From final judgments of the Superior Court, including judgments entered in a postconviction hearing and final judgments entered on review of a decision of an administrative agency.

(2) From any final judgment of a District Court in a civil action.

(3) From any interlocutory order or judgment of a Superior Court or District Court in a civil action or proceeding that:

(a) Affects a substantial right;

(b) In effect determines the action and prevents a judgment from which an appeal might be taken;

(c) Discontinues the action; or

(d) Grants or refuses a new trial.

(4) From any other order or judgment of the Superior Court from which an appeal is authorized by statute.

(5) From judgments in juvenile proceedings.

(6) From a final order or decision of the North Carolina Utilities Commissioner or of the North Carolina Industrial Commissioner.

[Gen. Stats. §7A-32]

2.4 Judges (12)

a. The Chief Justice of the Supreme Court designates one of the judges of the Court of Appeals to serve at his pleasure as chief judge.

b. Court of Appeal judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Court of Appeals judges are selected in the same manner and for the same term as Supreme Court Justices. Reference Section 1.4.c.

[Gen. Stats. §7A-16; Administrative Director]

2.5 Administration

a. The chief judge assigns members to panels in such a fashion that each member sits a substantially equal number of times with each other member. He presides over the panel of which he is a member, and designates the presiding judges of the other panel(s). The chief judge also schedules sessions of the court as required to discharge expeditiously the court's business. He recalls any emergency judge who, in his opinion, is competent to perform the duties of a judge of the Court of Appeals, to serve temporarily in the place of the judge in whose behalf he is recalled. An order of recall may be issued by the Chief Justice upon satisfactory medical proof of the facts upon which the order of recall must be based.

b. The Administrative Director provides administrative services for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. A clerk is appointed by the Court of Appeals to serve at its pleasure. The clerk supervises the docket and his own staff.

[Gen. Stats. §§7A-16, 7A-19, 7A-20, 7A-39.5, 7A-39.9; Administrative Director]

2.6 Rule-making. The Supreme Court makes rules of procedure and practice for the Court of Appeals. Subject to the approval of the Supreme Court, the Court of Appeals may promulgate such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

[Const., Art. IV, §13; Gen. Stats. §7A-16]

Court of General Jurisdiction

3.1 SUPERIOR COURT. This court is also known as the Superior Court Division of the General Court of Justice. The Court is open at all times.

[Const., Art. IV, §§2, 9; Gen. Stats. §7A-40]

3.2 Organization. The General Assembly is authorized to divide the state into a convenient number of Superior Court judicial districts and provide for at least one Superior Court judge in each district. The counties of the state are organized into 4 judicial divisions and 33 judicial districts. Each district is composed of from one to seven counties and has from one to five resident Superior Court judges as specified by law. The Superior Court sits in the county seat of each county.

The constitution provides that the principle of rotating Superior Court judges among the various districts of a division is a salutary one and shall be observed. Accordingly, Superior Court judges rotate or "ride circuit" from one district to another within their divisions. Each regular judge holds court 6 months in his district of residence and then 6 months in the next district and so on until he has presided for 6 months in each district of his division. When he rotates to a district that has two or three resident judges, his rotation period in that district is lengthened accordingly, to 12 or 18 months. A regular judge, therefore, spends only 6 months in every 4 1/2 to 5 1/2 years holding court in his district of residence. Many regular judges thus spend months or years holding court as far as 200 miles or more away from their homes, commuting on weekends or, in some instances, establishing a second home in the district to which temporarily assigned. North Carolina is unique among the states in the extent to which it carries rotation of the judges of its major trial courts.

[Const., Art. IV, §§9(1), 11; Gen. Stats. §§7A-41, 7A-42; North Carolina's General Court of Justice, p. 7]

3.3 Jurisdiction

a. The constitution provides that except as otherwise provided by the General Assembly, the Superior Court has original general jurisdiction throughout the state. In regard to criminal jurisdiction, the Superior Court has exclusive original jurisdiction over all felonies, and may try misdemeanors in certain situations specified by law.

In regard to civil jurisdiction, the Superior Court and the District Court have concurrent original jurisdiction, except in probate cases. The Superior Court has exclusive jurisdiction in contested probate cases. (Probate cases are initially heard by the Superior Court clerks, who act as ex officio judges of probate). The Superior Court is "the proper division for the trial of all civil actions in which the amount in controversy exceeds $5,000." A judgment, however, may not be voided for the sole reason that it was rendered in a court in which the case was improperly initiated. According to the General Statutes, the Superior Court is also the proper division for such cases involving injunctions, guardianship and trust administration, remedies of mandamus, eminent domain actions, corporate receiverships, and decisions of administrative agencies.

b. The Superior Court has appellate jurisdiction over misdemeanors appealed from the District Court. The court hears criminal appeals trial de novo from the District Court.

[Const., Art. IV, §12(3); Gen. Stats. §§7A-240, 7A-242, 7A-243, 7A-245, 7A-246, 7A-247, 7A-249, 7A-250; Administrative Director]

3.4 Judges (66)

a. There are no provisions for a chief judge over all the districts of the Superior Court. There is a senior regular resident judge in each Superior Court jurisdictional area.

b. Superior Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b. They must also have been residents of the geographic jurisdiction they serve for at least one month.

c. Superior Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c. The Governor may also appoint eight special Superior Court judges.

[Gen. Stats. §§7A-41, 7A-45; Administrative Director]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the Superior Court, there is a senior regular resident judge in each judicial area. Senior regular resident judges and regular resident judges possess equal judicial jurisdiction, power, authority, and status; but all duties placed by the constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office of clerks, magistrates, and other personnel, which are not related to a case, controversy, or judicial proceeding and which do not involve the exercise of judicial power, are discharged by the senior regular resident judge. A senior regular resident judge in a multi-court district may, however, decline to exercise this authority. Upon serving such a notice to the Administrative Director of the Courts, this authority is exercised by the regular resident judge next senior in point of service or age, respectively.

b. There are no provisions for an administrator over all the districts of the Superior Court. Experimental administrator positions in Judicial Districts 10, 22, and 28 were given permanent status effective July 1, 1979. At the same time, state funds were provided for additional administrators to be located in districts selected by the Administrative Director. There are currently eight administrators. The new law directs the administrators to assist the resident judge in managing the civil docket, to improve juror utilization, and to perform other duties assigned by the senior resident judge or any judge designated by him. Reference Section 5.2.b (state-level administrator).

c. The clerks are elected to 4-year terms by the qualified voters of each county. The clerks supervise case and fiscal record keeping and their staff. They serve as ex officio judges of probate in the Superior Court. The clerks appoint the assistants, deputies, and other employees in their offices to serve at their pleasure. The clerks of the Superior Court also serve as clerks of the District Court.

[Gen. Stats. §§7A-40, 7A-41, 7A-100, 7A-102, 7A-180, 7A-355, 7A-356; Administrative Director]

3.6 Rule-making. Reference Section 1.6.

Court of Limited or Special Jurisdiction

4.1 DISTRICT COURT. This court is also known as the District Court Division of the General Court of Justice. The court is open at all times.

[Const., Art. IV, §2; Gen. Stats. §§7A-130, 7A-190]

4.2 Organization. The General Assembly is authorized to divide the state into a convenient number of local court districts, but a District Court must sit in at least one place in each county. The number and boundaries of the districts are identical to those of the Superior Court. Prior to January 1 of each year in which elections for District Court judges are to be held, the Administrative Director may, with the approval of the chief district judge, designate one or more judgeships in districts having three or more judgeships as specialized judgeships, naming in each case the specialty. The designation of a specialized judgeship in no way impairs the right of the chief district judge to arrange sessions for the trial of specialized cases and to assign any district judge to preside over these sessions. A judge elected to a specialized judgeship has the same powers as a regular district judge. The policy of the state is to encourage specialization in juvenile cases by District Court judges who are qualified by training and temperament to be effective in relating to youth and in the use of appropriate community resources to meet their needs. The Administrative Office of the Courts is therefore authorized to encourage judges who hear juvenile cases to secure appropriate training whether or not they were elected to a specialized judgeship. In districts where there is a District Court judge who is certified as qualified to hear juvenile cases, the chief district judge assigns such cases to this judge where practical and feasible.

[Const., Art. IV, §10; Gen. Stats. §§7A-130, 7A-147]

4.3 Jurisdiction

a. The District Court has jurisdiction in felony cases to conduct preliminary hearings. The court has exclusive, original jurisdiction for the trial of criminal actions, including municipal ordinance violations, below the grade of a felony. In regard to civil jurisdiction, the Superior Court and the District Court have concurrent original jurisdiction, except in probate cases. The District Court is the proper division for the trial of all civil actions in which the amount in controversy is $5,000 or less. It is also the proper division, without regard to the amount in controversy, for the trial of domestic relations causes (i.e., annulment, divorce, alimony, child support, and child custody). The court also has exclusive, original jurisdiction over juvenile matters. Magistrates, who are officers of the District Court, have specific jurisdiction over petty criminal and civil matters within the jurisdiction of the District Court. Reference Section 6.2.

b. The District Court has no appellate jurisdiction.

[Gen. Stats. §§7A-240, 7A-242, 7A-243, 7A-272, 7A-279]

4.4 Judges (136)

a. The Chief Justice of the Supreme Court designates one of the District Court judges from each district to serve as chief district judge for a 4-year term.

b. District Court judges must have been residents of the districts in which they serve for at least one month. Seven of the 136 judges are not attorneys.

c. District Court judges are elected to 4-year terms by the qualified voters of their respective districts.

[Const., Art. IV, §10; Gen. Stats. §§7A-140, 7A-141; Administrative Director]

4.5 Administration

a. The chief district judges, subject to the general supervision of the Chief Justice of the Supreme Court, have administrative supervision and authority over the operation of the District Courts and magistrates in their districts. Their powers and duties include, but are not limited to, the following:

(1) Arranging schedules and assigning district judges for sessions of District Courts.

(2) Arranging or supervising the calendaring of noncriminal matters for trial or hearing.

(3) Supervising the clerk of the Superior Court in the discharge of the clerical functions of the District Court.

(4) Assigning matters to magistrates (reference Section 6.2), and prescribing times and places at which magistrates will be available for the performance of their duties.

(5) Making arrangements with proper authorities for the drawing of civil court jury panels and determining which sessions of District Court will be jury sessions.

(6) Arranging for the reporting of civil cases by court reporters or other authorized means.

(7) Arranging sessions, to the extent practicable, for the trial of specialized cases, including traffic, domestic relations, and other types of cases, and assigning district judges to preside over these sessions so as to permit maximum practicable specialization by individual judges.

(8) Promulgating a schedule of traffic offenses for which magistrates and clerks of court may accept written appearances, waivers of trial, and pleas of guilty, and establishing a schedule of fines therefor.

(9) Assigning magistrates, in an emergency, to temporary duty outside the county of their residence, but within the district.

(10) Designating another district judge of his district to act as acting chief district judge during the absence or disability of the chief district judge.

Subject to the general supervision of the Chief Justice, the assignment of district judges within each local court district is made by the chief district judge of that district.

b. There are no formal provisions for administrators for the District Courts. Reference Section 5.2.b (state-level administrator).

c. The clerks of the Superior Court also serve as clerks of the District Court. Reference Section 3.5.c.

[Const., Art. IV, §12; Gen. Stats. §7A-146, 7A-180]

4.6 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Supreme Court has general power to supervise and control the proceedings of the courts. The Chief Justice works closely with the Administrative Office of the Courts with regard to court administrative matters. The Chief Justice, acting in accordance with rules of the Supreme Court, makes assignments of judges of the Superior Court and may transfer District Court judges from one district to another for temporary or specialized duty. The Chief Justice may recall any emergency justice (a retired justice of the Supreme Court or a retired judge of the Court of Appeals) who, in his opinion, is competent to perform the duties of a justice or judge, to serve temporarily in the place of the justice or judge in whose behalf he is recalled. An order of recall may be issued by the Chief Justice upon satisfactory medical proof (that the judge is temporarily incapable of performing efficiently the duties of his office) of the facts upon which the order of recall must be based. Whenever it appears to the Chief Justice that there is need for a special session of the Superior Court in any county, he may order such a session. Reference Section 1.5.a.

[Const., Art. IV, §11; Gen. Stats. §§7A-32, 7A-39.1, 7A-39.5, 7A-39.9, 7A-46, 7A-141; *North Carolina's System of Crime Prevention and Criminal Justice*, Vol. I, p. 66]]

5.2 Administrative Office of the Courts

a. The constitution provides that the General Assembly establish an Administrative Office of the Courts.

b. Administrative Director of the Courts

(1) The position of Administrative Director of the Courts is provided for in the General Statutes.

(2) Qualifications are informally established for the position of Administrative Director of the Courts. At present the Administrative Director must possess a college degree and a law degree. The Administrative Director is appointed by the Chief Justice of the Supreme Court and serves at his pleasure.

(3) The Administrative Director's duties include the following:

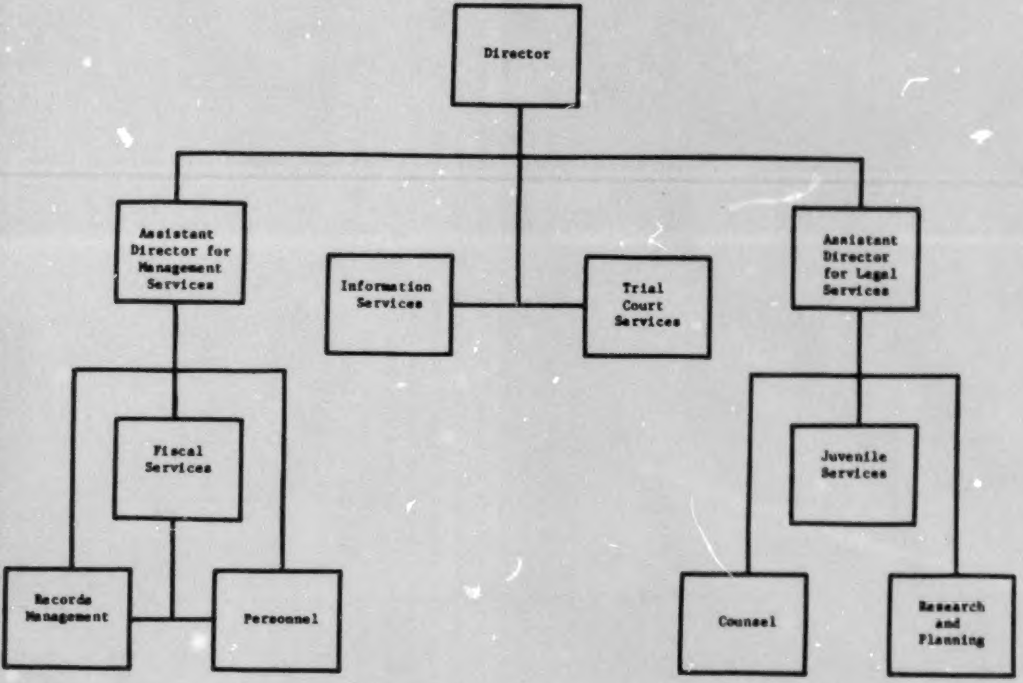
(a) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts.

(b) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice.

(c) Prescribe uniform administrative and business methods, systems, forms, and records to be used in the offices of the clerks of Superior Court.

(d) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the Judicial Department, and

Figure 2: North Carolina state-level administrative office of the courts, 1980


Director
Assistant Director for Management Services
Information Services
Trial Court Services
Assistant Director for Legal Services
Fiscal Services
Juvenile Services
Records Management
Personnel
Counsel
Research and Planning

authorize expenditures from funds appropriated for these purposes.

(e) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice.

(f) Procure, distribute, exchange, transfer, and assign such equipment, books, forms, and supplies as are to be acquired with state funds for the General Court of Justice.

(g) Make recommendations for the improvement of the Judicial Department.

(h) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy to each member of the General Assembly.

(i) Assist the Chief Justice in performing his duties relating to the transfer of District Court judges for temporary or specialized duty.

(j) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice.

In addition, the Administrative Director supervises and coordinates the operation of the laws and regulations concerning the assignment of legal counsel for indigent persons; advises and cooperates with the offices of the public defenders as needed to achieve maximum effectiveness in the discharge of the defender's responsibilities; collects data on the operation of the assigned counsel and the public defender systems, and makes such recommendations to the General Assembly for improvement in the operation of these systems as appear to him to be appropriate; and accepts and utilizes federal or private funds, as available, to improve defense services for the indigent, including indigent juveniles alleged to be delinquent or undisciplined. To facilitate processing of juvenile cases, the Administrative Director is further authorized, in any judicial district, with the approval of the chief District Court judge, to engage the services of a particular attorney or attorneys to provide specialized representation on a full-time or part-time basis.

c. Office organization. The Administrative Office of the Courts consists of 100 people: 46 professionals (including the Administrative Director) and 54 clerical personnel. An assistant director is appointed by the Chief Justice and serves at his pleasure. The Administrative Director may appoint such other assistants and employees as are necessary to enable him to perform the duties of the office. The staff provides support services in the following areas: systems analysis, programming, forms development, field representation, and statistics; probation coordination, trial court administration, and records management; accounting, budgeting, and purchasing; education and training; personnel systems; and statistical compilation, planning, research, evaluation, statistical analysis, and legal services.

[Const., Art. IV, §15; Gen. Stats. §7A-340 to §7A-346: State Court Administrators, p. 82; Administrative Director]

Quasi-Judicial Officers

6.1 DISTRICT COURT

6.2 Magistrate

a. The senior regular resident Superior Court judges, from the nominations submitted by the clerks of the Superior Court, appoint magistrates to fill the minimum quota established for the counties of their districts.

b. The constitution authorizes the General Assembly to prescribe the jurisdiction and powers of magistrates. In criminal actions, the magistrate has power to accept guilty pleas and enter judgments in misdemeanor cases (other than traffic offenses) in which the maximum punishment cannot exceed 30 days of imprisonment or a $50 fine; and in traffic offenses, to accept written appearances, waivers of trial, and pleas of guilty and, in accordance with a schedule of offenses and fines promulgated by the chief district judge, to enter judgments. The magistrate also has the power to issue arrest warrants valid throughout the state and search warrants valid throughout the county; to grant bail before trial for any noncapital offense; to hear and enter judgment as the chief judges may direct in all worthless check cases where the amount of the check is $400 or less, restitution is made, and the warrant does not charge a fourth or subsequent violation of the statute.

In civil actions, magistrates may hear small claims actions, which are defined as actions where the amount in controversy does not exceed $800. The plaintiff must request assignment of the small claim to a magistrate, and at least one of the defendants must be a resident of the county in which the magistrate resides.

Magistrates are authorized to perform various quasi-judicial or administrative functions, such as performing marriage ceremonies. These additional powers are set forth in the General Statutes.

[Const., Art. IV, §124(4); Gen. Stats. §§7A-171, 7A-210, 7A-211, 7A-273, 7A-292]

Judicial Discipline

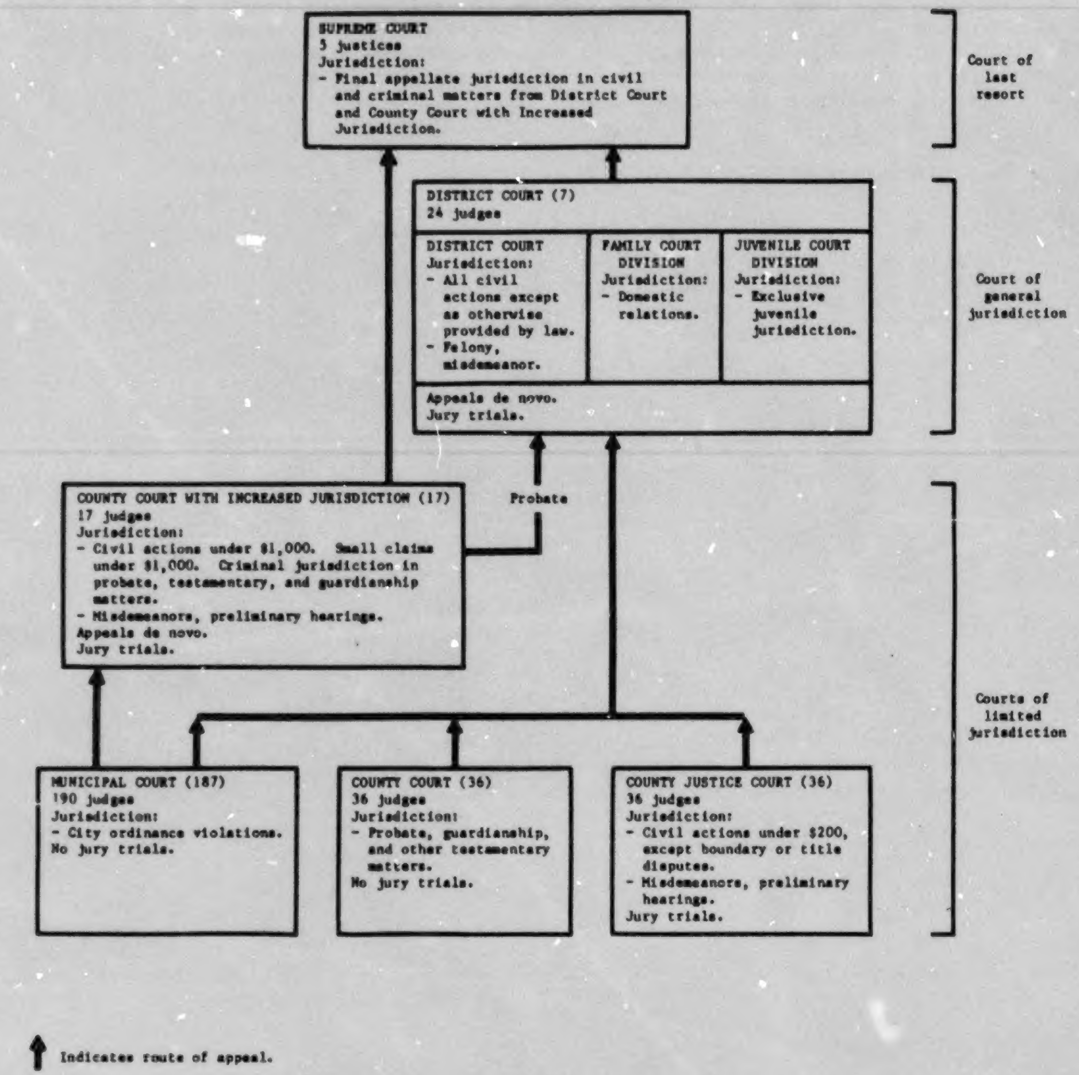
7.1 Judicial Standards Commission. The commission consists of one Court of Appeals judge, one Superior Court judge, and one District Court judge, each appointed by the Chief Justice of the Supreme Court; two members of the state bar who have actively practiced law in the courts of the state for at least 10 years, elected by the State Bar Council; and two citizens appointed by the Governor who are neither judges, active or retired, nor members of the state bar. The Court of Appeals judge serves as chairman.

[Gen. Stats. §7A-375]

7.2 Authority and procedure for sanction. Any citizen of the state may file a written complaint with the commission concerning the qualifications or conduct of any justice or judge of the General Court of Justice, and thereupon the commission makes such investigation as it deems necessary. The commission may also make an investigation on its own motion. The commission is authorized to issue process to compel the attendance of witnesses and the production of evidence, to administer oaths, to punish for contempt, and to prescribe its own rules of procedure. No justice or judge may be recommended for censure or removal unless he has been given a hearing affording due process of law. All papers filed with and proceedings before the commission are confidential, unless the judge involved otherwise requests. The recommendations of the commission to the Supreme Court, and the record filed in support of the recommendations, are not confidential. Upon recommendation of the commission, the Supreme Court may censure or remove any judge for willful misconduct in office, willful and persistent failure to perform duties, habitual intemperence, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. Upon recommendation of the commission, the Supreme Court may remove any judge for mental or physical incapacity that is or is likely to become permanent, interfering with the performance of duties. When the commission recommends discipline of a Supreme Court Justice, action is taken by the Court of Appeals.

[Gen. Stats. §§7A-376, 7A-378]

Figure 1: North Dakota court system, 1980


SUPREME COURT
5 justices
Jurisdiction:
- Final appellate jurisdiction in civil and criminal matters from District Court and County Court with Increased Jurisdiction.
Court of last resort
DISTRICT COURT (7)
24 judges
DISTRICT COURT
Jurisdiction:
- All civil actions except as otherwise provided by law.
- Felony, misdemeanor.
FAMILY COURT DIVISION
Jurisdiction:
- Domestic relations.
JUVENILE COURT DIVISION
Jurisdiction:
- Exclusive juvenile jurisdiction.
Appeals de novo.
Jury trials.
Court of general jurisdiction
Probate
COUNTY COURT WITH INCREASED JURISDICTION (17)
17 judges
Jurisdiction:
- Civil actions under $1,000. Small claims under $1,000. Criminal jurisdiction in probate, testamentary, and guardianship matters.
- Misdemeanors, preliminary hearings.
Appeals de novo.
Jury trials.
Courts of limited jurisdiction
MUNICIPAL COURT (187)
190 judges
Jurisdiction:
- City ordinance violations.
No jury trials.
COUNTY COURT (36)
36 judges
Jurisdiction:
- Probate, guardianship, and other testamentary matters.
No jury trials.
COUNTY JUSTICE COURT (36)
36 judges
Jurisdiction:
- Civil actions under $200, except boundary or title disputes.
- Misdemeanors, preliminary hearings.
Jury trials.
Indicates route of appeal.

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NORTH DAKOTA

Court of Last Resort

1.1 SUPREME COURT. General terms of the Supreme Court are held monthly at Bismarck, the state capital, commencing on the first Tuesday of each month with the exception of July and August. Special terms may be held at such times and places as designated, upon 10 days notice.

[North Dakota Century Code (hereinafter N.D.C.C.) Section 27-02-06]

1.2 Organization. A majority of the court is necessary to constitute a quorum or to pronounce a decision. The court may not declare a statute unconstitutional unless at least four justices so decide. Because a majority of justices must concur in order to pronounce a judgment, the case must be reheard if a majority does not concur. The failure to reach a majority after two rehearings constitutes affirmance of the judgment.

[Constitution, Article IV, Section 88; N.D.C.C. §27-02-22]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to issue, hear, and determine such original and remedial writs as may be necessary to exercise its jurisdiction. The court may exercise original jurisdiction only in habeas corpus cases and in cases of public concern that affect the sovereign rights of the state or its franchises or privileges.

b. The Supreme Court has appellate jurisdiction. The court hears appeals from the District and County Courts with Increased Jurisdiction. Appeals of criminal matters to the Supreme Court may be taken as a matter of right.

[Const., Art. IV, §86; N.D.C.C. §§27-02--4, 29-28-03; North Dakota Judicial Council Statistical Compilation and Report p. 7]

1.4 Justices (5)

a. The Chief Justice is elected by the justices of the Supreme Court and judges of the District Court to a 5-year term or until his term expires, whichever occurs first. The Chief Justice may serve consecutive terms.

b. Supreme Court justices must be citizens of the United States and residents of North Dakota. They must also be learned in the law.

c. Supreme Court justices are elected to 10-year terms on a nonpartisan statewide ballot. Vacancies of unexpired terms are filled by gubernatorial appointment from a list of candidates supplied by the Judicial Nominating Committee (reference Table 12: Characteristics of judicial nominating commissions), unless the governor calls a special election.

[Const., Art. IV, §§91, 93, 97; N.D.C.C. §27-02-01; Office of the State Court Administrator]

1.5 Administration

a. The Chief Justice is the administrative head of the unified judicial system. He exercises administration and supervision over the entire court system through the State Court Administrator, and the presiding judges of the District Courts. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated administrative duties in regard to the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the justices of the Supreme Court. He is responsible for the following administrative duties: employs and supervises deputies, assistants, and staff as necessary; supervises the calendaring and assignment of cases, court records, statistical reporting and filing, and the distribution and publication of opinions of the Supreme Court; and serves as liaison with the public, members of the bar, and the news media.

[Const., Art. IV, §87; N.D.C.C. §27-03-01; Administrative Rule 5--1979]

1.6 Rule-making. The Supreme Court promulgates procedural rules, administrative rules, and administrative orders for the unified judicial system. The court's administrative policy provides a procedure for continuing study and review of rules and orders of the Supreme Court, opportunity for the expression of views regarding proposed and adopted rules and orders, and a mechanism for the amendment and repeal of existing rules and orders.

[Rule on Procedural Rules, Administrative Rules and Administrative Orders of the North Dakota Supreme Court]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in North Dakota.

Court of General Jurisdiction

3.1 DISTRICT COURT. The presiding judge of each judicial district may assign terms of court within his judicial district.

[Administrative Rule 2--1978]

3.2 Organization. The state is divided into judicial districts by order of the Supreme Court. Seven districts came into being on July 1, 1979: the northwest, northeast, northeast central, east central, southeast, south central, and the southwest judicial districts.

In counties having a population exceeding 10,000, and where a district judge whose chambers are within the county determines conditions so warrant, a division of the District Court called the Family Court may be established. The continued establishment or termination of the Family Court is by order of the district judge. All district judges within the district are judges of the Family Court. The Juvenile Court exists as a specialized division of the District Court, pursuant to the Uniform Juvenile Court Act.

[Const., Art. IV, §93; N.D.C.C. §§27--5.1-02, 27-20-02, 27-20-59; State Court Administrator]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all cases, except as otherwise provided by law. The court has authority to issue writs necessary for the proper exercise of its jurisdiction. The District Court has common law jurisdiction and authority within its respective judicial districts for the redress of all wrongs committed against the state affecting persons and property; power to hear and determine all civil actions and proceedings; and all the powers necessary to carry into execution its judgments, orders, and determinations, subject to reexamination by the Supreme Court.

Jurisdiction of the Family Court Division is specialized in order to protect the rights of children, protect family life and matrimony, and provide the means for the reconciliation of spouses and the settlement of domestic and family controversies.

The Juvenile Court Division has exclusive original jurisdiction in the following proceedings dealing with children under the age of 18 years and not married or under the age of 21 with respect to a delinquent act committed while under the age of 18:

(1) Proceedings in which a child is alleged to be delinquent, unruly, or deprived.

(2) Proceedings for the termination of parental rights, except when part of an adoption proceeding.

(3) Proceedings in which out-of-state jurisdiction is conferred.

(4) Proceedings to obtain consent to marriage, employment, or enlistment.

(5) Proceedings under the interstate compact on juveniles or on placement of children.

b. The District Court has appellate jurisdiction over all final judgments of county justices and Municipal Courts; over all judgments, decrees, and orders of the County Courts; and over determinations of officers, boards, or tribunals of lesser jurisdiction in such cases and pursuant to such regulations as may be prescribed by law. The District Court also exercises appellate jurisdiction over probate appeals from the County Court with Increased Jurisdiction. In addition, the court has jurisdiction over appeals from County Courts and actions by game and fish officials involving the confiscation of materials determined to be in excess of $1,000.

[Const., Art. IV, §92; N.D.C.C. §§27-05-06, 27.05.1-01, 27-20-03, 30-26-01, 33-11-01, 33-12-34; Administrative Staffing Implications of Court System Unification in North Dakota (hereinafter Administrative Staffing) p. 6]

3.4 Judges (24)

a. There is no provision for a chief judge over all the districts of the District Court. Presiding judges are selected for each district from the district judges of each judicial district, by the Chief Justice with the approval of the Supreme Court. Presiding judges are retained at the pleasure of the Chief Justice.

b. District Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. District Court judges are elected to 6-year terms on a nonpartisan basis by the voters of their respective judicial districts. Vacancies of unexpired terms are filled by gubernatorial appointment from a list of candidates supplied by the Judicial Nominating Committee (reference Table 12: Characteristics of judicial nominating commissions), unless the Governor calls a special election.

[Const., Art. IV, §§93, 94, 97; N.D.C.C. §§16-08-01, 16-08-07, 27-05-02, 27-05-03, 27-05-05, 27-11-01]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, there is a presiding judge for each judicial district, who is the central administrative figure in the district. He is responsible for assigning terms of court and assigning cases among the judges of the district; for convening regular meetings of the judges of the district; and for forwarding copies of local judicial budgets to the State Court Administrator. He supervises the implementation of all local administrative practice and procedure regulations by all judges, clerks, and other officers or employees of the courts.

b. There is no provision for an administrator over all the districts of the District Court. Reference Section 5.2.b (state-level administrator). Two judicial districts have created the position of court administrator. Two other districts have created the position of administrative assistant to the presiding judge. The administrators serve under the presiding judges and perform nonjudicial administrative duties, including caseflow management, jury management, budget preparation, records management, and a liaison function with the public and the bar.

c. Each organized county has one clerk of the District Court. The clerk is responsible among other duties for adjourning the court, keeping records, collecting fees, and destroying certain records.

[N.D.C.C. §§11-10-14, 11-17-01, 11-17-03, 11-17-04, 11-17-08; Administrative Rule 2-1978; State Court Administrator]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. The County Court sits in continuous session.

[N.D.C.C. §27-07-37]

4.2.1 Organization. There is a County Court in each of the 36 counties in North Dakota. Each court has one county judge, whose chambers are located at the county seat. There are no specialized divisions of the court.

[N.D.C.C. §27-07-14; State Court Administrator]

4.3.1 Jurisdiction

a. The County Court has exclusive original jurisdiction in probate, guardianship, and testamentary matters, including estates of decedents (which includes the construction of wills and determination of heirs and successors of decedents); estates of protected persons; protection of minors and incapacitated persons in guardianship matters; and trusts (to the extent necessary for probate and testamentary jurisdiction). The court also has jurisdiction in the appointment of administrators and guardians, settlement of the accounts of executors, administrators, and guardians, and the sale of lands by executors, administrators, and guardians. The County Court is not a court of record and no jury trials are available.

b. The County Court has no appellate jurisdiction.

[N.D.C.C. §§27-01-01, 27-07-02, 30.1-02-02; Courts of Limited Jurisdiction, p. 287]

4.4.1 Judges (36)

a. The County Court does not have separate presiding judges. Reference Section 3.5.a.

b. County Court judges must be residents of their respective counties.

c. County Court judges are elected to 4-year terms by the voters of their respective counties on a nonpartisan ballot.

[N.D.C.C. §11-10-02; Administrative Staffing; State Court Administrator]

4.5.1 Administration

a. The presiding judge of the judicial district is the central administrative authority in the district. Reference Section 3.5.a.

b. There are no provisions for administrators for the County Court. Reference Section 5.2.b (state-level administrator).

c. The clerk of each County Court may be appointed by the judge thereof and serves at his pleasure. The judge is responsible for all the clerk's official acts, and may at all times act as his own clerk. The clerk may sign records of the court, certify transcripts and records of the court, sign and issue subpoenas and citations, and postpone any matter up to 30 days when a judge is absent.

[N.D.C.C. §27-07-24, 27-07-25]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 COUNTY COURT WITH INCREASED JURISDICTION. Regular terms of court are held at the county seat commencing the first Tuesday of each month. Jury terms are held when a defendant is confined in jail and demands a trial or if five or more civil cases are pending when a jury trial is demanded.

[N.D.C.C. §27-08-22]

4.2.2 Organization. A County Court with Increased Jurisdiction is established by vote of the electors in counties of over 2,000 inhabitants. There are currently 17 counties with a County Court with Increased Jurisdiction. When judges of this court are hearing small claims cases, the court is referred to as the Small Claims Court.

[N.D.C.C. §§27-08-01, 27-08.1-01]

4.3.2 Jurisdiction

a. The County Court with Increased Jurisdiction, in addition to its prior jurisdiction as a County Court, has concurrent jurisdiction with the District Court in all criminal actions below the grade of felony and in all civil actions where the demand does not exceed $1,000. In addition, judges may issue warrants and set bail, and act as committing magistrates.

The Small Claims Court judges exercise jurisdiction in cases involving $1,000 or less in which actions are informal and no jury trials are available.

b. The County Court with Increased Jurisdiction has concurrent appellate jurisdiction with the District Court from final judgments of the Municipal Court.

[N.D.C.C. §§27-08-20, 27-08-21, 27-08-30, 27-08-33, 27-08.1-01, 27-08.1-03]

4.4.2 Judges (17)

a. The County Court with Increased Jurisdiction does not have separate presiding judges. Reference Section 3.5.a.

b. Judges in the County Court with Increased Jurisdiction must be learned in the law.

c. Judges in the County Court with Increased Jurisdiction are selected in the same manner and for the same term as County Court judges. Reference Section 4.4.1.c.

[N.D.C.C. §27-08-08.1]

4.5.2 Administration

a. The presiding judge of the judicial district is the central administrative officer in the district. Reference Section 3.5.a.

b. There are no provisions for administrators for the County Court with Increased Jurisdiction. Reference Section 5.2.b (state-level administrator).

c. Clerks of the District Court are also the clerks of the County Court with Increased Jurisdiction, except in counties of 25,000 inhabitants or more, where the clerk of the County Court with Increased Jurisdiction may be appointed by the county judge. The clerk of the County Court with Increased Jurisdiction is responsible for performing the same duties as the clerk of the District Court. Reference Section 3.5.c.

[N.D.C.C. §§27-08-11, 27-08-12, 27-08-13]

4.6.2 Rule-making. Reference Section 1.6. The County Court with Increased Jurisdiction must follow the rules of the District Court, with special exceptions.

[N.D.C.C. §27-08-24]

4.1.3 COUNTY JUSTICE COURT. The County Justice Court sits in continuous session.

[N.D.C.C. §33-01-02]

4.2.3 Organization. County Justice Courts are located in 36 counties. Each county justice may keep his office and hold court at a place selected by the justice, provided it is within the county. County justices, when hearing small claims cases (under $500), are referred to as Small Claims Court.

[N.D.C.C. §§27-08.1-01, 33-01-01; State Court Administrator]

4.3.3 Jurisdiction

a. The County Justice Court has criminal jurisdiction in misdemeanor violations of state law that are committed within the county. Justices may conduct preliminary hearings, issue search and arrest warrants, and set and accept bail. The court has concurrent original jurisdiction with the District Court in civil cases where the amount in controversy is less than $200. In no case do these courts have jurisdiction when the boundaries of or title to real estate comes in question. Subject to these limitations, the jurisdiction extends to actions for the recovery of money (the counterclaim is deemed a separate and distinct action); actions to recover possession of personal property; actions to foreclose a lien upon chattels or trespassing animals; actions for forcible detainer of real property; and entries of judgment by confession.

b. The County Justice Court has no appellate jurisdiction.

[N.D.C.C. §§33-01-04, 33-01-08]

4.4.3 Judges (36)

a. The County Justice Court does not have separate presiding judges. Reference Section 3.5.a.

b. County justices must be licensed to practice law in North Dakota, but need not be voters of the counties for which they are elected or appointed.

c. County justices are elected at the county elections, or if the positions are not filled by election, the justices will be appointed by the Board of County Commissioners for their respective counties. If a qualified person cannot be found or if no person will accept the position of county justice, the Board of County Commissioners may submit three names of qualified voters of the county, of which not more than two may be appointed to 4-year terms by the senior district judge.

[N.D.C.C. §§27-18-01, 27-18-02, 27-18-06]

4.5.3 Administration

a. The presiding judge of the judicial district is the central administrative officer in the district. Reference Section 3.5.a.

b. There are no provisions for administrators for the County Justice Court. Reference Section 5.2.b (state-level administrator).

c. A county justice acts as his own clerk.

[N.D.C.C. §33-01-02]

4.6.3 Rule-making. Pursuant to the powers of the county justice, provisions of N.D.C.C. Title 28 (Judicial Procedure, Civil), Title 31 (Judicial Proof), Title 32 (Judicial Remedies), and the North Dakota Rules of Civil Procedure govern the proceedings of the County Justice Court.

[N.D.C.C. §33-01-10]

4.1.4 MUNICIPAL COURT. The Municipal Court is open every day except Sundays to hear and determine cases.

[N.D.C.C. §40-18-05]

4.2.4 Organization. There are approximately 187 Municipal Courts in North Dakota. There are no specialized divisions of the court.

[Annual Report 1977, p. 34]

4.3.4 Jurisdiction

a. The Municipal Court has exclusive original jurisdiction to hear, try, and determine all offenses against the ordinances of the city.

b. The Municipal Court has no appellate jurisdiction.

[N.D.C.C. §40-18-01]

4.4.4 Judges (190)

a. The Municipal Court does not have separate presiding judges. Reference Section 3.5.a.

b. Municipal Court judges must be qualified voters of their municipalities and must have been residents thereof for at least 9 months preceeding the election. In cities with a population of 3,000 or more, the judge must be an attorney, unless no attorney is available. In cities with a population of less than 3,000, the judge need not be an attorney, nor is he required to be a resident of the city.

c. Municipal Court judges are elected. Judges elected in commission cities (those governed by a Board of City Commissioners) and judges elected in council cities (those governed by a City Council) serve 4-year terms.

[N.D.C.C. §§40-13-01, 40-14-01, 40-14-02, 40-15-01, 40-15-02, 40-18-01]

4.5.4 Administration

a. The presiding judge of the judicial district is the central administrative officer in the district. Reference Section 3.5.a.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Municipal Court.

4.6.4 Rule-making. The Municipal Court has no rule-making power. Reference Section 1.6.

[Office of State Court Administrator]

State-Level Administration

5.1 General administrative authority. The Chief Justice is the administrative head of the unified judicial system. He may assign judges, including retired judges, for temporary duty in any court. He also is responsible for appointing the State Court Administrator and serving as Chairman of the Judicial Council (reference Table 29: Judicial councils and conferences). Reference Section 1.5.a.

[Const., Art. IV, §87; N.D.C.C. §27-15-03]

5.2 Office of State Court Administrator

a. There is no specific authorization for the administrative office.

b. State Court Administrator

(1) The position of State Court Administrator is authorized by the state constitution.

(2) The State Court Administrator's qualifications are established by the Supreme Court. He must have a college degree, and prior experience or special training in law and court services. The State Court Administrator is appointed by the Chief Justice.

(3) The State Court Administrator prepares the state budget, performs a liaison and spokesman function, supervises management information systems, conducts research and provides assistance to the courts, disseminates information on the operation of the court system, and serves as Executive Secretary of the Judicial Council.

c. Office organization. The staff of the State Court Administrator consists of nine people: four professionals and five clerical personnel. There are internal divisions of continuing education, statistics, and planning. Support services are provided in the following areas: systems analysis; payroll and accounting; education; and planning and research.

[Const., Art. IV, §87; Administrative Rule 1-1978; Administrative Staffing, p. 18; State Court Administrators, pp. 84-85; State Court Administrator]

Quasi-Judicial Officers

6.1.1 DISTRICT COURT

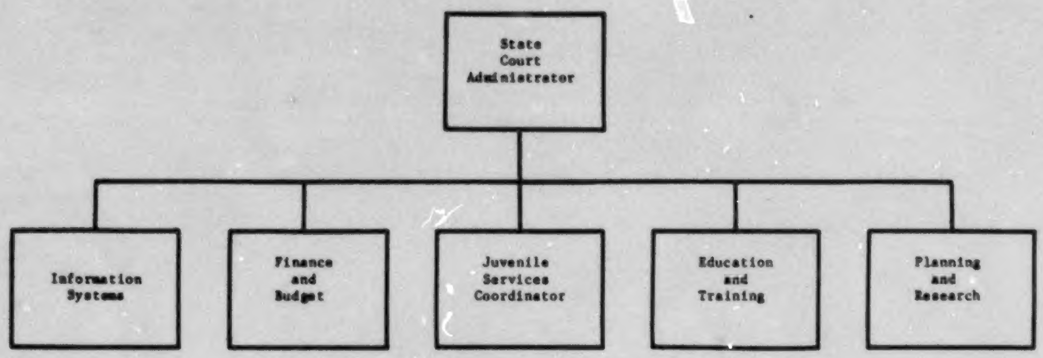
6.2.1 Juvenile supervisor

a. Juvenile supervisors are appointed by the juvenile district judge. In practice, they are expected to have a college degree.

b. Juvenile supervisors may be responsible for making investigations, reports, and recommendations to the Juvenile Court; referring children to agencies; supervising children on probation; and making temporary orders not to exceed 30 days for the custody and control of a deprived child. In addition, juvenile supervisors may be authorized by the juvenile judge to conduct hearings on domestic relations matters. They may not be authorized, however, to preside over a proceeding for divorce, separation, or annulment of a marriage.

[N.D.C.C. §§27-05-29, 27-20-05, 27-20-06]

Figure 2: North Dakota state-level administrative office of the courts, 1980


State Court Administrator
Information Systems
Finance and Budget
Juvenile Services Coordinator
Education and Training
Planning and Research

6.1.2 DISTRICT COURT

6.2.2 Referee

a. Referees are appointed by the juvenile district judge. They must be members of the state bar.

b. Referees may conduct hearings on any case in the first instance; preside at Juvenile Court hearings; report findings and recommendations; and determine if an act of delinquency has been committed. Unless a review is ordered, upon the signature of the judge the findngs and recommendations of the referee become the findings and order of the court.

[N.D.C.C. §27-20-07]

6.1.3 COUNTY COURT WITH INCREASED JURISDICTION

6.2.3 Referee

a. The county judges with increased jurisdiction may appoint referees. A referee must be "a person versed in the law."

b. Duties and powers of referees are limited to the Small Claims Court. They have the same duties as County Court judges with Increased Jurisdiction with regard to small claims.

[N.D.C.C. §27-08.1-08; North Dakota Civil Procedures, Rule 53]

Judicial Discipline

7.1 Commission on Judicial Qualifications. Members of the commission include: one judge of the District Court, appointed by the District Judges Association; one judge of the County Court with Increased Jurisdiction, appointed by the County Judges with Increased Jurisdiction Association; one lawyer, appointed by the Executive Committee of the State Bar Association; and four lay citizens, appointed by the Governor.

[N.D.C.C. §27-23-02]

7.2 Authority and procedure for sanction. The commission is empowered to investigate complaints against all justices and judges and Small Claims Court referees in the state. It conducts hearings concerning the discipline, removal, or retirement of any judge. After conducting its investigation, the commission presents its recommendation to the Supreme Court, which may retire a judge for disability, or censure or remove a judge for willful misconduct, willful failure to perform, willful violation of the code of judicial conduct, or habitual intemperance.

[N.D.C.C. §27-23-03]

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OHIO

Court of Last Resort

1.1 SUPREME COURT. The court meets for its regular term at Columbus beginning in January of each year. It may hold special or adjourned sessions as a majority of the justices determine.

[Ohio Revised Code (hereinafter O.R.C.) Sections 2503.33, 2503.34]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition, procedendo, and in any cause on review as may be necessary to its complete determination. It also has original jurisdiction in all matters relating to the practice of law. It has exclusive jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the voters.

b. The Supreme Court has jurisdiction over appeals from Court of Appeals decisions in the following:

(1) Cases of felony on leave first obtained.

(2) Cases where conflicting decisions have been rendered by different divisions of the Court of Appeals.

(3) Cases of public or great general interest.

(4) Matter of right appeals in cases originating in the Court of Appeals or involving the death penalty or a constitutional question.

The court also has revisory jurisdiction over the proceedings of administrative officers or agencies as provided by law.

[Constitution, Article IV, Section 2; Const., Art. XVI, §1]

1.4 Justices (7)

a. The Chief Justice is elected to a 6-year term by the voters in a statewide non-partisan election.

b. Supreme Court justices must be members of the state bar and must have engaged in the practice of law in Ohio and/or served as a judge of a court of record in any other state for at least 6 years prior to election or appointment. No person may be elected or appointed to judicial office if he has attained 70 years of age.

c. Supreme Court justices are elected by the voters of the state at large. Their names appear on nonpartisan ballots. The legislature has set the term at the constitutionally prescribed minimum of 6 years. Vacancies are filled by the Governor. If the unexpired term is for more than 1 year, the position is subject to election at the first general election occurring more than 40 days after the vacancy.

[Const., Art. IV, §§6, 13; O.R.C. §§2503.01, 2503.02, 2503.03, 3505.04]

1.5 Administration

a. The Supreme Court, through the Chief Justice, has general superintending power over all courts. The Chief Justice exercises administration and supervision over the entire court system through the Administrative Director of the Courts, court administrators, presiding judges, administrative judges, and administrative assistants. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties in regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The position of Supreme Court clerk is authorized by statute and filled by Supreme Court appointment. The clerk performs numerous administrative duties, including those relating to the examination and registration of attorneys in Ohio; filing and docketing all cases; scheduling oral arguments; issuing all notices and orders; and serving as Secretary of the Board of Bar Examiners and the Board of Commissioners on Character and Fitness. The clerk also has supervisory control over the office and facilities.

[O.R.C. §2503.05; Administrative Director of the Courts]

1.6 Rule-making. The Supreme Court is constitutionally empowered to promulgate rules governing practice and procedures in all courts of the state. Such rules become effective unless the General Assembly adopts a concurrent resolution of disapproval. Rules have been promulgated by the court governing the following procedures: criminal, civil, juvenile, appellate, and claims against the state. In accordance with statutory provisions, the court has also promulgated traffic rules. The court has general superintending power over all courts. Administrative policies for the court itself are prescribed by the court through the Administrative Director.

[Const., Art. IV, §5; O.R.C. §§2935.17, 2937.46]

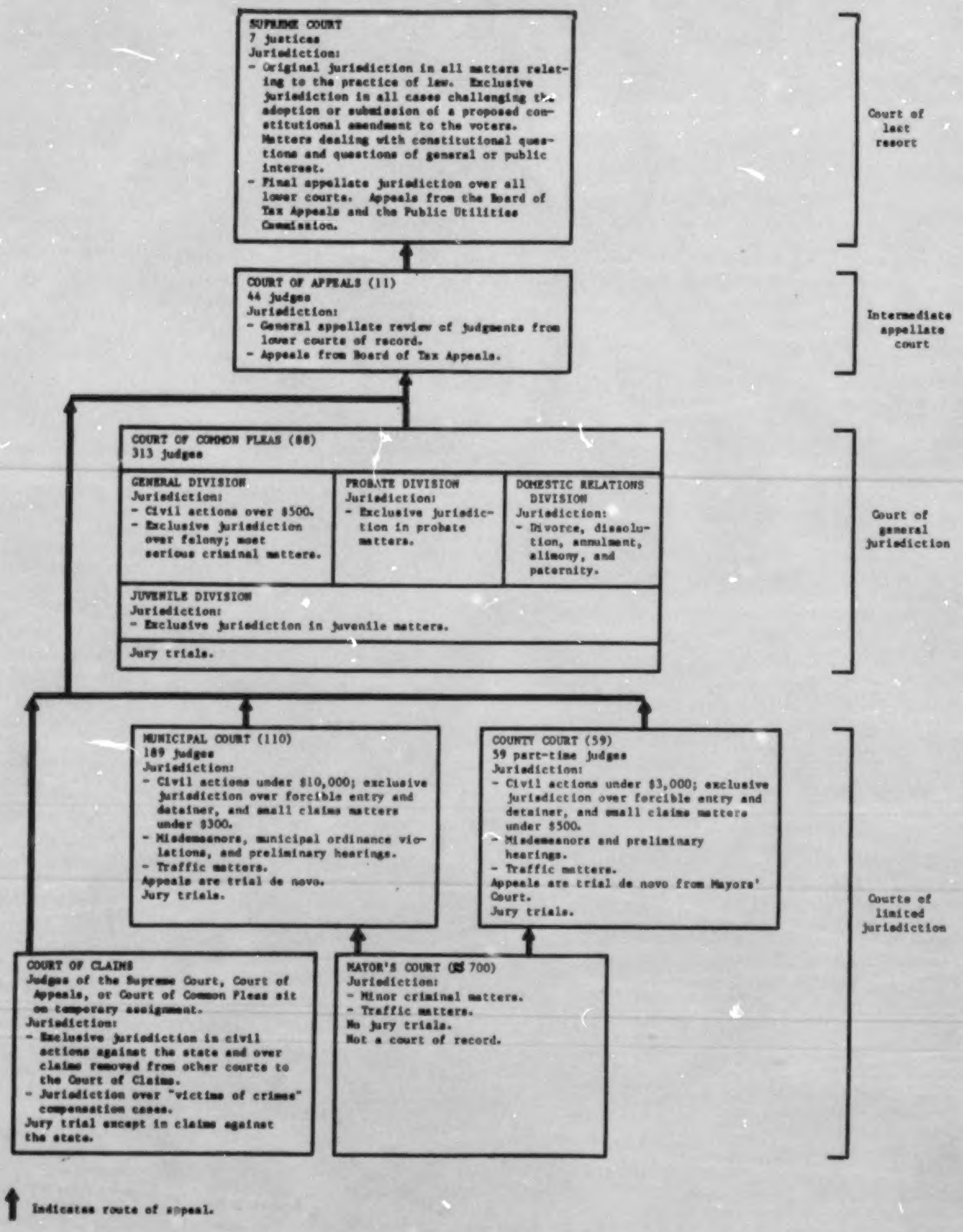
Intermediate Appellate Court

2.1 COURT OF APPEALS. A Court of Appeals with a minimum of three judges sits in each district. The Court of Appeals has no terms of court. Court is held where and when necessity dictates.

[Const., Art. IV, §3; O.R.C. §2501.04]

2.2 Organization. The state is divided by law into 11 appellate districts, comprising from 1 to 16 counties each. Cases are heard by panels of three judges. Three districts have more than three judges. Decisions are by majority vote, except that all three judges must concur if a judgment resulting from a trial by jury is to be reversed on the weight of the evidence.

Figure 1: Ohio court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Original jurisdiction in all matters relating to the practice of law. Exclusive jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the voters. Matters dealing with constitutional questions and questions of general or public interest.
- Final appellate jurisdiction over all lower courts. Appeals from the Board of Tax Appeals and the Public Utilities Commission.

COURT OF APPEALS (11)
44 judges
Jurisdiction:
- General appellate review of judgments from lower courts of record.
- Appeals from Board of Tax Appeals.

COURT OF COMMON PLEAS (88)
313 judges

GENERAL DIVISION
Jurisdiction:
- Civil actions over $500.
- Exclusive jurisdiction over felony; most serious criminal matters.

PROBATE DIVISION
Jurisdiction:
- Exclusive jurisdiction in probate matters.

DOMESTIC RELATIONS DIVISION
Jurisdiction:
- Divorce, dissolution, annulment, alimony, and paternity.

JUVENILE DIVISION
Jurisdiction:
- Exclusive jurisdiction in juvenile matters.

Jury trials.

MUNICIPAL COURT (110)
189 judges
Jurisdiction:
- Civil actions under $10,000; exclusive jurisdiction over forcible entry and detainer, and small claims matters under $300.
- Misdemeanors, municipal ordinance violations, and preliminary hearings.
- Traffic matters.

Appeals are trial de novo.
Jury trials.

COUNTY COURT (59)
59 part-time judges
Jurisdiction:
- Civil actions under $3,000; exclusive jurisdiction over forcible entry and detainer, and small claims matters under $500.
- Misdemeanors and preliminary hearings.
- Traffic matters.

Appeals are trial de novo from Mayors' Court.
Jury trials.

COURT OF CLAIMS
Judges of the Supreme Court, Court of Appeals, or Court of Common Pleas sit on temporary assignment.
Jurisdiction:
- Exclusive jurisdiction in civil actions against the state and over claims removed from other courts to the Court of Claims.
- Jurisdiction over "victims of crimes" compensation cases.

Jury trial except in claims against the state.

MAYOR'S COURT ([illegible] 700)
Jurisdiction:
- Minor criminal matters.
- Traffic matters.

No jury trials.
Not a court of record.

Court of last resort
Intermediate appellate court
Court of general jurisdiction
Courts of limited jurisdiction

↑ Indicates route of appeal.

[Const., Art. IV, §3; O.R.C. §§2501.01, 2501.012, 2501.013]

2.3 Jurisdiction

a. The Court of Appeals has original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition, procedendo, and in any cause on review as may be necessary to its complete determination.

b. The Court of Appeals has jurisdiction to review any judgment or final order of any court of general or limited jurisdiction court of record in its district on questions of law. In certain classes of actions specified in the Code, it may weigh the evidence and render judgment upon questions of law and fact. The court may also review final orders or actions of administrative officers or agencies.

[Const., Art. IV, §3; O.R.C. §2501.02]

2.4 Judges (44)

a. The chief justice over all the Courts of Appeals is selected by peer vote for a 1-year term. Each court district has a presiding judge. The position is filled by the judge not serving pursuant to appointment whose term of office next expires unless, in districts composed of more than three judges, the court adopts local rules providing for some other method of selection. Each district may also designate an administrative judge in addition to the presiding judge.

b. Court of Appeals judges must be members of the state bar and must have engaged in the practice of law in Ohio and/or served as a judge of a court of record in any other state for at least 6 years prior to election or appointment.

c. Court of Appeals judges are elected by the voters of their respective appellate districts. Their names appear on nonpartisan ballots. The legislature has set the term at the constitutionally prescribed minimum of 6 years. Vacancies are filled by the Governor.

[Const., Art. IV, §§6, 13; O.R.C. §§2501.02, 2501.03, 2501.06, 2503.01, 3505.04; Administrative Director of the Courts]

2.5 Administration

a. The chief justice has no formal administrative responsibilities. The presiding judge of a Court of Appeals district can request the Chief Justice of the Supreme Court to assign additional judges to the district, if the caseload requires. After the judges of the district fix the salary of the shorthand reporter, the presiding judge certifies that salary to the state treasurer. Districts of the Court of Appeals may prescribe local administrative procedures subject to the general superintending power of the chief justice.

b. The position of administrator is not authorized by the statutes or court rules. Nine courts have established the position by administrative order. Reference Section 5.2.b (state-level administrator).

c. In most districts, the clerk of the Court of Common Pleas in each county also serves as the clerk of the Court of Appeals. The Court of Common Pleas clerk is elected every 4 years by the voters of the county. Recent legislation permits the judges of a Court of Appeals district consisting of a single county and having eight or more judges to appoint their own clerk and deputy clerks, as necessary. The clerk is responsible for filing and docketing cases, scheduling oral arguments, issuing notices and orders, and supervising the office and facilities.

[Const., Art. IV, §5; O.R.C. §§2303.01, 2303.03, 2501.08, 2501.16, 2501.17; Assistant Administrative Director of the Ohio Courts]

2.6 Rule-making. Rules of appellate procedure have been promulgated by the Supreme Court. The Court of Appeals in each district is statutorily authorized to adopt local rules of practice, provided that they are consistent with the Supreme Court rules. Copies of such local rules must be filed with the Supreme Court.

[Appellate Rules 31]

Court of General Jurisdiction

3.1 COURT OF COMMON PLEAS. The court's term is 1 calendar year.

[O.R.C. §2301.05]

3.2 Organization. There is a Court of Common Pleas in each of the state's 88 counties, although authority exists to create districts of more than one county. The court normally sits at the county seat. Each Court of Common Pleas may have the following four divisions or any combination thereof: General, Domestic Relations, Probate, and Juvenile.

[Const., Art. IV, §4; O.R.C. §§2101.01, 2151.07, 2301.03; Administrative Director of the Courts]

3.3 Jurisdiction

a. The General Division has criminal jurisdiction over all crimes and offenses except misdemeanor offenses where exclusive jurisdiction has been granted to a court of limited jurisdiction. Its civil jurisdiction extends to all cases where the amount in controversy exceeds $500.

The Probate Division has exclusive jurisdiction over probate matters; the Domestic Relations Division hears divorce, dissolution, annulment, alimony, and in some locations, paternity cases. Exclusive jurisdiction in juvenile matters is held by the Juvenile Division.

Slight variations in jurisdiction of the divisions exist since they are created in each separate court location by separate statute.

b. The Court of Common Pleas has appellate jurisdiction over controversies involving decisions of the boards of county commissioners.

[O.R.C. §§2101.24, 2151.23, 2305.01, 2931.03]

3.4 Judges (313)

a. There is no provision for a chief judge over all the counties of the Court of Common Pleas. The presiding judge of each Court of Common Pleas is selected by and serves at the pleasure of his peers. The judges of each multi-judge division of the court select an administrative judge by peer vote, who serves a 1-year term.

b. Court of Common Pleas judges must be members of the state bar and must have engaged in the practice of law in Ohio and/or must have served as a judge of a court of record in any other state for at least 6 years prior to election or appointment. They must also be residents of the county.

c. Court of Common Pleas judges are elected by the voters of the county by means of a nonpartisan ballot. Judges serve the constitutionally prescribed 6-year minimum term. Vacancies are filled by the Governor.

[Const., Art. IV, §§4, 6, 13; O.R.C. §2503.01, 3505.04; Rules of Superintendence (hereinafter Sup. R.) 3]

3.5 Administration

a. Whereas there is no chief judge over all the Courts of Common Pleas, the presiding judge of each court calls meetings of the judges for the purpose of discussing and resolving administrative problems common to all divisions of the court. At least one such meeting is held each term. The presiding judge chairs such meetings and also assigns judges between divisions as business requires. The presiding judge may also serve as the administrative judge of a particular division of the court.

The administrative judge is the presiding officer of his division and has full responsibility for and control over the administration, docket, and calendar of the division. He assigns cases and requires reports from the judges on the status of their cases. He also maintains records indicating the number of cases each attorney is to try. Work reports required of each judge by the Supreme Court are submitted through the administrative judge. In that regard, he is responsible for formulating accounting and auditing systems within the division and the office of the clerk, to ensure the accuracy of all reports.

b. There is no provision for an administrator over all the Courts of Common Pleas. Statutes allow for the appointment of an administrative assistant, however, in those courts serving over 300,000 people. As of the last federal census, there were eight such counties in Ohio, and administrative assistants have been appointed in each of these counties.

c. Court of Common Pleas clerks are statutory officers elected to 4-year terms by the voters of the counties. In most cases, they also serve as clerks of the Court of Appeals. The clerks are responsible for filing and docketing cases, scheduling oral arguments, issuing notices and orders, and supervising the office and facilities.

[O.R.C. §§2301.12, 2303.01, 2303.03; Sup. R. 2.3, 5; Assistant Administrative Director of the Ohio Courts]

3.6 Rule-making. The Supreme Court's rules of criminal, civil, traffic, and juvenile procedures apply to the Court of Common Pleas. Local court rules that are consistent with the Supreme Court rules are permitted. They must be filed with the Supreme Court. The Rules of Superintendence of the Supreme Court govern administrative matters in the Court of Common Pleas.

[Const., Art. IV, §5; Criminal Rules 57; Civil Rules 83]

Courts of Limited or Special Jurisdiction

4.1.1 MUNICIPAL COURT. There is no statutory authorization for terms of the Municipal Court.

[O.R.C. §1901.29]

4.2.1 Organization. Those municipal corporations having a Municipal Court are specified in Section 1901.01 of the Revised Code. Each court's territorial jurisdiction is specified in Section 1901.02 of the Revised Code. Jurisdiction of the Municipal Court may be limited to the city limits or it may encompass several municipalities/townships or the entire county. The assignment of cases in multi-judge Municipal Courts is governed by Rule 3 of the Rules of Superintendence for Municipal and County Courts. Cases are assigned to a particular session or a particular judge. The following subject categories must be disposed of by a particular session: criminal cases in which a plea of guilty or no contest is entered; initial appearance in criminal cases in which an immediate trial is conducted upon initial appearance; civil cases in which a motion for default judgment is made; small claims cases; and forcible entry and detainer cases in which the right to trial by jury is waived. All other cases are assigned by lot to a judge, who is responsible for the determination of every issue and proceeding in the case until its termination. The administrative judge equally apportions particular session assignments among all judges. Judges cannot be assigned to a particular session for more than two consecutive weeks.

[Rules of Superintendence for Municipal and County Courts (hereinafter M.C. Sup. R.) 3]

4.3.1 Jurisdiction

a. The Municipal Court has criminal jurisdiction over all ordinance violations and misdemeanors. It conducts preliminary hearings in felony cases. Its civil jurisdiction extends to all cases involving an amount of $10,000 or less. The court's jurisdiction also includes the following actions: interpleader, replevin, and forcible entry and detainer. The Small Claims Division of the court has jurisdiction in cases involving $300 or less. Additional specific civil jurisdiction has been granted to the Municipal Court of Cleveland by statute.

b. The Municipal Court hears appeals from decision of Mayor's Courts within its jurisdiction. An appeal from a Mayor's Court shall proceed as a trial de novo.

[O.R.C. §§1901.17, 1901.18, 1901.20, 1905.22, 1905.25, 1925.01, 1925.02]

4.4.1 Judges (189)

a. Unless otherwise prescribed by statute, each court has one judge for any portion of the first 100,000 inhabitants and one additional judge for each additional 70,000 inhabitants or portion thereof. Selection of administrative judges is by peer vote.

b. Municipal Court judges must be members of the state bar and must have engaged in the practice of law in Ohio and/or must have served as judge of a court of record in any other state for at least 6 years prior to election or appointment. They must also be residents of the jurisdictional territory of the court.

c. Municipal Court judges are elected by the voters of the "territory" of the court. Their names appear on nonpartisan ballots unless the municipal charter states otherwise. The term of office is 6 years. Vacancies are filled by the Governor.

[O.R.C. §§1901.05, 1901.07, 1901.10, 2503.01; M.C. Sup. R. 2; 107.08]

4.5.1 Administration

a. The administrative judges of multi-judge Municipal and County Courts are responsible to the Chief Justice of the Supreme Court in the discharge of their duties. Their duties are similar to those of the Common Pleas administrative judges. Reference Section 3.5.a. They also meet monthly with the court clerk to discuss the implementation of the rules of superintendence and perform other duties assigned by the Chief Justice.

b. Statutes and rules do not provide for an administrator position. Its establishment is at the discretion of the individual court. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Court of Common Pleas may also serve as the clerk of the Municipal Court and/or County Court. In other Municipal Courts, the clerk is either appointed or elected in accordance with a statutory population formula. The clerk is responsible for filing and docketing cases, scheduling oral arguments, issuing notices and orders, and supervising the office and facilities.

[O.R.C. §1901.31; M.C. Sup. R. 2]

4.6.1 Rule-making. Procedural rules have been promulgated by the Supreme Court. Local rules consistent with those of the Supreme Court may be adopted.

[Const., Art. IV, §5]

4.1.2 COUNTY COURT. There is no statutory authorization for terms of the County Court.

[Office of the Administrative Director of the Courts]

4.2.2 Organization. A County Court exercises jurisdiction in those portions of a county not within the jurisdiction of a Municipal Court. If the court has more than one judge, the exclusive geographical jurisdiction of each judge is determined by the Court of Common Pleas. The Court of Common Pleas may assign more than one judge to a specific jurisdictional area, however, if the particular County Court has jurisdiction over a population in excess of 120,000. The assignment of cases in multi-judge County Courts is governed by Rule 3 of the Rules of Superintendence for Municipal and County Courts. Reference Section 4.2.1.

[O.R.C. §§1907.01.1, 1907.07.1]

4.3.2 Jurisdiction

a. The County Court has criminal jurisdiction over all traffic violations and all misdemeanors. It has civil jurisdiction in controversies involving $3,000 or less (exclusive jurisdiction if the amount is under $500). The court's Small Claims Division handles cases involving $500 or less.

b. The County Court hears appeals from decisions of Mayor's Courts within its jurisdiction. An appeal from a Mayor's Court shall proceed as a trial de novo.

[O.R.C. §§1905.22, 1905.25, 1907.01.2, 1909.04, 1925.02]

4.4.2 Judges (59 part-time). Each court has one judge for any portion of the first 30,000 inhabitants of the district. Additional judges are added by statutory formula using population increments of 30,000.

a. There are no provisions for presiding judges.

b. County Court judges must be members of the state bar, and must have practiced law in the state for at least 2 years prior to election or appointment. They must also be qualified voters and residents of the County Court districts.

c. County Court judges are elected to 6-year terms by the voters of the County Court districts on nonpartisan ballots.

[O.R.C. §§1907.04.1, 1907.05.1, 3505.04]

4.5.2 Administration

a. Reference Sections 3.5.a and 4.5.1.a.

b. Reference Sections 4.5.1.b and 5.2.b (state-level administrator).

c. The clerk of the Court of Common Pleas may also serve as the clerk of the County Court. In addition to the Court of Common Pleas clerk, some county Boards of Commissioners may appoint clerks for each County Court judge. Such appointments are subject to the concurrence of the individual judge. The clerks are responsible for filing and docketing cases, scheduling oral arguments, issuing notices and orders, and supervising the office and facilities.

[O.R.C. §1907.10.1; Office of the Administrative Director of the Courts]

4.6.2 Rule-making. Procedural rules have been promulgated by the Supreme Court. Local rules consistent with those of the Supreme Court may be adopted.

[Const., Art. IV, §5]

4.1.3 MAYOR'S COURT. There is no statutory authorization for terms of the Mayor's Court.

[Office of the Administrative Director of the Courts]

4.2.3 Organization. The geographic jurisdiction of the Mayor's Court extends to the municipal boundaries. There are no specialized divisions of the court.

[O.R.C. §1905.01]

4.3.3 Jurisdiction

a. Mayors of municipalities not having an established Municipal Court have concurrent jurisdiction with the limited jurisdiction court of record serving the municipality to hear and determine cases involving ordinance and traffic violations.

b. The Mayor's Court has no appellate jurisdiction.

[O.R.C. §§1905.01, 1907.03.1; Office of the Administrative Director of the Courts]

4.4.3 Judges (690). The position of judge in the Mayor's Court is held by the mayor by virtue of his office. Matters such as his qualifications, method of selection, term, etc., relate to his position as mayor rather than specifically to his judicial duties. Most of these matters are determined locally by charter or ordinance. Because there is only one judge per court, there are no provisions for presiding judges for the Mayor's Courts.

[Office of the Administrative Director of the Courts]

4.5.3 Administration

a. The mayors maintain their docket and files in accordance with the same laws as apply to the County Court.

b. There are no provisions for administrators for the Mayor's Court. Reference 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Mayor's Court.

[O.R.C. §1905.01]

4.6.3 Rule-making. The mayors' authority to supplement Supreme Court procedural rules is similar to that of County Court judges.

[O.R.C. §1905.28]

4.1.4 COURT OF CLAIMS. There is no statutory authorization for terms of the Court of Claims.

[Office of the Administrative Director of the Courts]

4.2.4 Organization. The Court of Claims has statewide jurisdiction. The court site in Franklin County (Columbus); however, the Chief Justice of the Supreme Court can direct it to hold court in any county, if required. There are no divisions of the court. Actions are normally heard and decided by a single judge; however, a request can be made to the Chief Justice to appoint a panel of three judges. Some cases are heard and decided by court commissioners (reference Section 6.2.4). An appeal from a decision of a Court of Claims commissioner is heard and determined by a single judge.

[O.R.C. §2743.03]

4.3.4 Jurisdiction

a. The Court of Claims has exclusive original jurisdiction over all claims against the state, which are permitted under statutory provisions. The court has full equity powers in all actions within its jurisdiction and it can entertain and determine all counter claims, cross-claims, and third party claims. As of December 28, 1976, the court was given jurisdiction over "victims of crimes" compensation claims.

b. The Court of Claims has no appellate jurisdiction.

[O.R.C. §2743.02]

4.4.4 Judges. Judgeships on the Court of Claims are filled by temporary assignment by the Chief Justice of the Supreme Court. Active and retired judges of the Supreme Court, the Court of Appeals, and the Court of Common Pleas are eligible for these temporary assignments.

[O.R.C. §§2743.03, 2743.04]

4.5.4 Administration

a. Statutes and rules do not provide for a presiding judge of the court, because its judges serve on the basis of temporary appointments by the Chief Justice of the Supreme Court.

b. There is no provision for an administrator for the Court of Claims. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Court of Claims, under the direction of the Chief Justice, is responsible for establishing administrative procedures for the court. The clerk is appointed by the Supreme Court and must be a licensed attorney in the state.

[O.R.C. §§2743.07]

4.6.4 Rule-making. The Rules of Civil Procedure govern practice and procedure in the court. The Supreme Court has also promulgated special Rules of the Court of Claims (C.C.R.) and Local Rules of the Court of Claims (L.C.C.R.).

[O.R.C. §2743.03]

State-Level Administration

5.1 General administrative authority. The Supreme Court, through the Chief Justice, has general superintending power over all courts of the state. The Chief Justice may assign any judge of a Court of Appeals or a Court of Common Pleas to temporarily sit in any other Court of Appeals or Court of Common Pleas. He may also assign active and retired judges of the Supreme Court, the Court of Appeals, and the Court of Common Pleas to temporarily sit on the Court of Claims. The Chief Justice may recall retired judges to active service. He may assign retired Municipal Court judges to active duty in Municipal and County Courts. Constitutional authority to pass upon the disqualification of any judge of the Court of Appeals or Court of Common Pleas is vested in the Chief Justice or his designee. Reference Section 1.5.a.

[Const., Art. IV, §§5, 6; O.R.C. §2503.04; M.C. Sup. R. 13]

5.2 Office of the Administrative Director of the Courts

a. The Office of the Administrative Director of the Courts is authorized by Constitution.

[Const., Art. IV, §5; O.R.C. §§2503.05, 2503.281]

b. Administrative Director of the Courts

(1) The position of Administrative Director of the Courts is provided for in the constitution.

(2) There are no statutory requirements for the position. Informal procedures require that the Administrative Director be an attorney. The Administrative Director is appointed by and serves at the pleasure of the Supreme Court.

(3) The Administrative Director is responsible for examining the dockets of all courts in the state except the Mayor's Court and determining the need for assistance; collecting and compiling judicial statistics and reporting the same to the judiciary and legislature; making recommendations to the Chief Justice relating to the assignment of judges; and assisting in the development of programs designed for the improvement of the judicial system. The state-funded portion of the judicial budget is prepared by the Administrative Director and his staff. He also serves as the secretary of the judicial disciplinary commissions.

c. Office organization. Staff divisions are as follows: Administrative Director, assistant administrative director, judicial statistics, and fiscal officer. The Office of the Administrative Director of the Courts consists of 10 people: 6 professionals (including the Administrative Director of the Courts) and 4 clerical personnel. The professional staff provides support services in the following areas: records management, forms development, and field representation; court coordination, facilities management, and other court services; payroll, accounting, budgeting, and purchasing; publications; personnel systems; legislative, executive, public, and media information, and executive liaison; planning and research activities, including rules drafting.

[Const., Art. IV, §5; O.R.C. 2503.281]

Quasi-Judicial Officers

6.1.1 SUPREME COURT AND COURT OF APPEALS

6.1.2 Master commissioner

a. Master commissioners are appointed by and serve at the pleasure of the court. They must be members of the Ohio Bar.

b. Master commissioners conduct hearings on certain motions for leave to appeal.

[Assistant Administrative Director of the Ohio Courts]

6.1.2 COURT OF COMMON PLEAS

6.2.2 Commissioner and referee

a. Commissioners and referees are appointed by the court in a manner prescribed by the judges thereof. They must be attorneys.

b. Commissioners are appointed by and assist the Probate Division judge. The commissioner takes testimony and reports his conclusions on the law and facts to the judge. The commissioner can administer oaths and subpoena witnesses and evidence. Referees can hear the issues and make a report of finding to the judge in any case in which the parties are not entitled to a jury trial or where they consent to submit the case to a referee. The powers of a referee are similar to those of commissioners, subject to limitations imposed by the appointing judge.

[O.R.C. §§2101.06, 2151.16; Civil Rules 53]

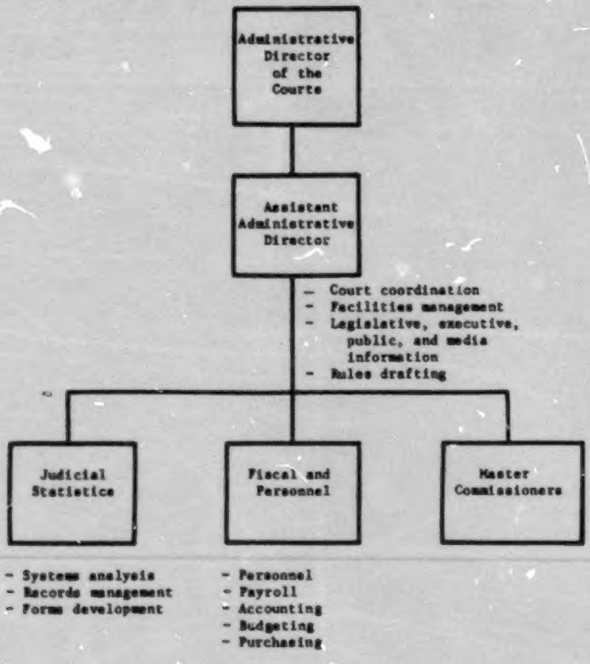
6.1.3 MUNICIPAL AND COUNTY COURTS

6.2.3 Referee

a. All referees must be attorneys. They are appointed by the court in a manner prescribed by the judges thereof. Their appointment is mandatory in Municipal Courts with more than two judges.

b. Municipal Court judges may appoint referees to conduct proceedings in the Small Claims Division

Figure 2: Ohio state-level administrative office of the courts, 1980


Administrative Director of the Courts
Assistant Administrative Director
- Court coordination
- Facilities management
- Legislative, executive, public, and media information
- Rules drafting
Judicial Statistics
Fiscal and Personnel
Master Commissioners
- Systems analysis
- Records management
- Forms development
- Personnel
- Payroll
- Accounting
- Budgeting
- Purchasing

of the court. These referees may also hear the following types of cases: default proceedings under Civil Rules 55; forcible entry and detainer proceedings in which the right to jury trial has been waived; and traffic proceedings in which there is a guilty plea or written waiver of right to trial by a judge. County Court judges may appoint referees similar to those in Municipal Courts to hear traffic proceedings.

[M.C. Sup. R. 4; Traffic Rule 14]

6.1.4 COURT OF CLAIMS

6.2.4 Commissioner

a. Court of Claims commissioners must be attorneys who have practiced law in the state for at least 3 years prior to appointment. The commissioners are appointed by and serve at the pleasure of the Supreme Court.

b. Commissioners have jurisdiction to make awards of reparation for economic loss arising from criminally injurious conduct. Decisions are normally rendered by a single commissioner; however, a panel of three can be convened. The commissioner's decision is appealable to the Court of Claims.

[O.R.C. §§2743.52, 2743.54, 2743.61]

Judicial Discipline

7.1 There is no standing disciplinary body for judges. Rather, if the evidence in a particular case warrants, the Supreme Court appoints a commission of five judges to decide that particular case. Any judge in the state, except a mayor, is eligible for appointment to the commission. The 5 judges are chosen from any 5 of the 11 appellate districts, excluding the one in which the respondent judge resides.

[O.R.C. §2701.11]

7.2 Authority and procedure for sanction. An initial private investigation of the complaint is conducted by the 17-member Board of Commissioners on Grievances and Discipline of the state bar. If two-thirds of the members concur that the evidence warrants further investigation, the complaint is forwarded to the Supreme Court and a commission is appointed. The commission's hearing is held in private, and the judge may be represented by counsel. All rules of evidence are observed in the conduct of the hearing and the commission has subpoena powers. If three of the five members concur, the judge can be retired, removed, or suspended without pay. The commission's decision is appealable to the Supreme Court.

Judges can be removed from office by impeachment or by concurrent resolution of the General Assembly.

The public may also initiate action for removal of a judge for misconduct in office. The petition/complaint must be signed by 15 percent of the qualified voters based on the total vote cast for Governor in the preceding election. The trial is held in the Court of Common Pleas or the Court of Appeals.

[Const., Art. II, §§23, 38; Const., Art. IV, §17; O.R.C. §§3.07 to 3.10, 2701.11; Supreme Court Rules for the Government of the Bar of Ohio VI]

OKLAHOMA

Courts of Last Resort

1.1.1 SUPREME COURT. The Supreme Court sits in Oklahoma City, the state capital. The court is open for the transaction of business at any time on the call of the Chief Justice.

[Constitution, Article VII, Section 5; Oklahoma Statutes Annotated (hereinafter O.S.A.) 12, Chapter 15, Appendix 1, Rule 2]

1.2.1 Organization. The Supreme Court does not sit in panels. A majority of the members of the court constitute a quorum and the concurrence of the majority of the court's justices is necessary to decide any question. There are nine geographical Supreme Court judicial districts provided by statute.

[Const., Art. VII, §5; O.S.A. 20, Section 2]

1.3.1 Jurisdiction

a. The original jurisdiction of the Supreme Court extends to a general superintending control over all agencies, commissions, and boards created by law. The Supreme Court has exclusive authority to pass upon the qualifications and fitness of all applicants for admission to the practice of law in Oklahoma. The Supreme Court has the exclusive power to discipline attorneys or revoke their permit to practice law as prescribed by the state statutes and the rules of the Supreme Court.

b. The Supreme Court has appellate jurisdiction over all civil cases appealed from the District Court.

[Const., Art. VII, §4; O.S.A. 5, §§12, 13]

1.4.1 Justices (9)

a. The justices choose from among their members a Chief Justice and a Vice Chief Justice who serve 2-year terms or until their successors are elected and qualified.

b. Supreme Court justices must be at least 30 years old, must have been qualified voters in their districts for at least 1 year immediately prior to the date of filing or appointment, and must have been a licensed practicing attorney or a judge of a court of record, or both, in Oklahoma for 5 years preceeding their election or appointment.

c. Supreme Court justices are subject to retention in office for terms of 6 years pursuant to a nonpartisan election. Each justice must be from a separate district of the state as provided by statute. When a vacancy occurs, the Governor appoints one of three persons nominated by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). If the Governor fails to make the appointment within 60 days, the Chief Justice appoints one of the nominees.

[Const., Art. VII, §2, Art. VII-B, §§2, 4; O.S.A. 20, §27]

1.5.1 Administration

a. The Supreme Court exercises administration and supervision over the entire court system through the Chief Justice, the Administrative Director of the Courts, the presiding judges of the Court of Criminal Appeals, the presiding judges of the Court of Appeals, the presiding judges of the District Courts, the trial court administrators of the District Courts, and the presiding judges of the Municipal Courts. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated administrative duties with regard to the Supreme Court.

b. Reference Section 5.2.b. (state-level administrator).

c. The Supreme Court appoints a clerk to serve at its pleasure who is licensed to practice law in the state of Oklahoma. The clerk is responsible for keeping records, files, and papers committed to his care; for recording the judgments, decrees, and orders of the Supreme Court, the Court of Appeals, the Court of Criminal Appeals, the Court of Bank Review, and the Court on the Judiciary; and performs such other services and duties as may be authorized or prescribed by the Supreme Court.

[Const., Art. VII, §5; 20 Oklahoma Statute Supplement (hereinafter O.S. Supp.) 1979, §78; Administrative Director of the Courts]

1.6.1 Rule-making. The Supreme Court may promulgate rules and regulations for all courts of record in the state. General administrative authority over all courts in the state is vested in the Supreme Court, and the court makes administrative rules for other courts.

[Const., Art. VII, §6; Administrative Director of the Courts]

1.1.2 COURT OF CRIMINAL APPEALS. The court sits in Oklahoma City and holds 6 terms each year.

[O.S.A. 20, §36 to §40]

1.2.2 Organization. The Court of Criminal Appeals does not sit in panels. Two members of the court constitute a quorum, and the concurrence of two judges is necessary to decide any question.

[O.S.A. 20, §31]

1.3.2 Jurisdiction

a. The Court of Criminal Appeals has no original jurisdiction.

b. The Court of Criminal Appeals has exclusive appellate jurisdiction, coextensive with the limits of the state, in all criminal cases appealed from the District Court and the Municipal Criminal Court.

[Const., Art. VII, §1]

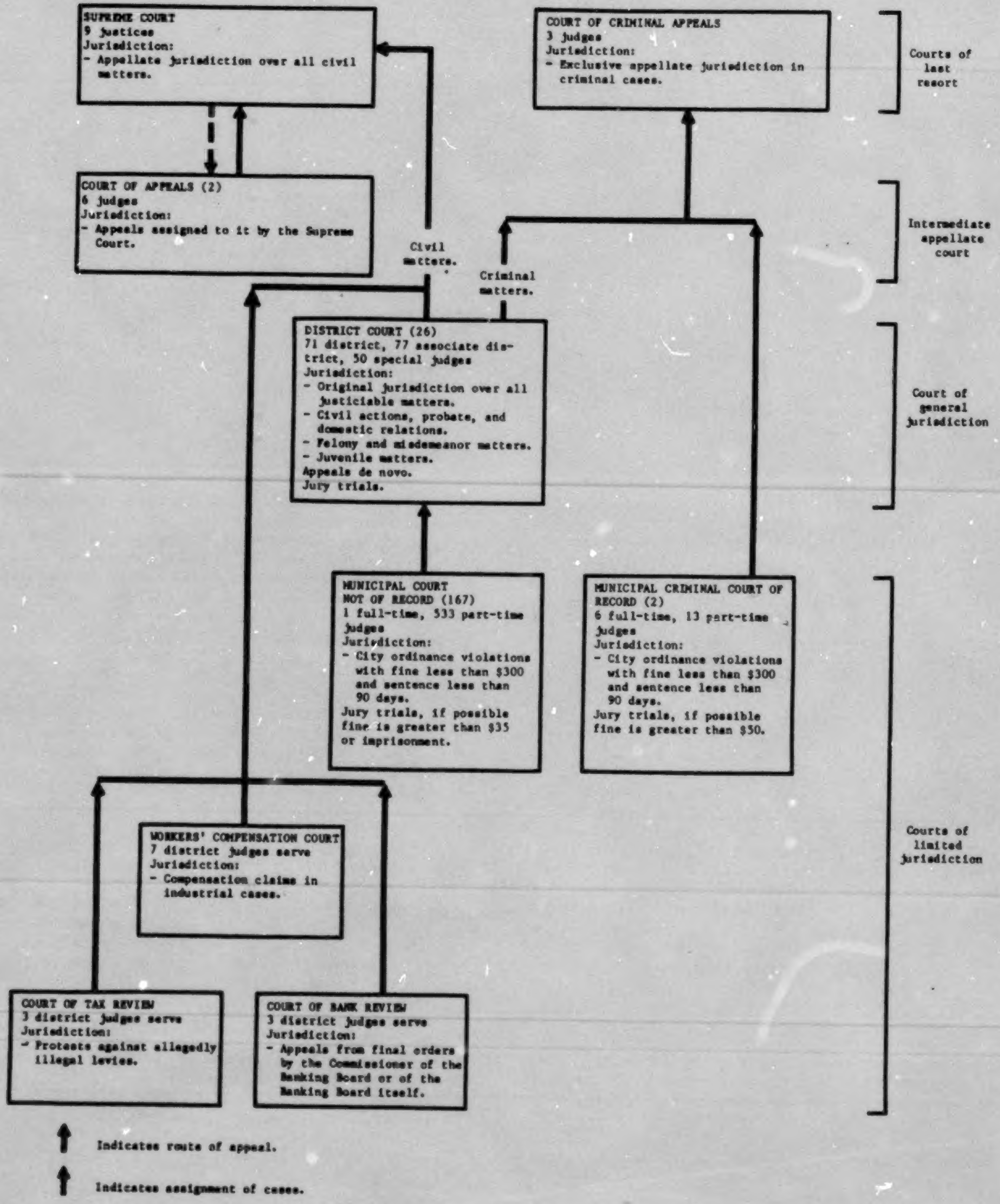
1.4.2 Judges (3)

a. The judge having the shortest time to serve on the Court of Criminal Appeals acts as Presiding Judge and serves a 2-year term.

b. Court of Criminal Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.1.b.

c. Court of Criminal Appeals judges are selected in the same manner and for the same term as Su-

Figure 1: Oklahoma court system, 1980


SUPREME COURT
9 justices
Jurisdiction:
- Appellate jurisdiction over all civil matters.
COURT OF CRIMINAL APPEALS
3 judges
Jurisdiction:
- Exclusive appellate jurisdiction in criminal cases.
Courts of last resort
COURT OF APPEALS (2)
6 judges
Jurisdiction:
- Appeals assigned to it by the Supreme Court.
Civil matters.
Criminal matters.
Intermediate appellate court
DISTRICT COURT (26)
71 district, 77 associate district, 50 special judges
Jurisdiction:
- Original jurisdiction over all justiciable matters.
- Civil actions, probate, and domestic relations.
- Felony and misdemeanor matters.
- Juvenile matters.
Appeals de novo.
Jury trials.
Court of general jurisdiction
MUNICIPAL COURT NOT OF RECORD (167)
1 full-time, 533 part-time judges
Jurisdiction:
- City ordinance violations with fine less than $300 and sentence less than 90 days.
Jury trials, if possible fine is greater than $35 or imprisonment.
MUNICIPAL CRIMINAL COURT OF RECORD (2)
6 full-time, 13 part-time judges
Jurisdiction:
- City ordinance violations with fine less than $300 and sentence less than 90 days.
Jury trials, if possible fine is greater than $50.
Courts of limited jurisdiction
WORKERS' COMPENSATION COURT
7 district judges serve
Jurisdiction:
- Compensation claims in industrial cases.
COURT OF TAX REVIEW
3 district judges serve
Jurisdiction:
- Protests against allegedly illegal levies.
COURT OF BANK REVIEW
3 district judges serve
Jurisdiction:
- Appeals from final orders by the Commissioner of the Banking Board or of the Banking Board itself.
Indicates route of appeal.
Indicates assignment of cases.

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preme Court justices. Reference Section 1.4.1.c.
[O.S.A. 20, §35]

1.5.2 Administration

a. The presiding judge has no specifically articulated administrative duties with regard to the Court of Criminal Appeals.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is the ex officio clerk of the Court of Criminal Appeals. Reference Section 1.5.1.c.
[Const., Art. VII, §5; 20 O.S. Supp. 1979, §78]

1.6.2 Rule-making. Reference Section 1.6.1.

Intermediate Appellate Court

2.1 COURT OF APPEALS. One division sits in Tulsa County. The other sits in Oklahoma County. The court sits in continuous session.
[O.S.A. 20, §30.2; Administrative Director of the Courts]

2.2 Organization. The geographic jurisdiction of the Court of Appeals is statewide. The Court of Appeals consists of two permanent divisions, with each division having three judges.
[O.S.A. 20, §30.1]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has the power to dispose of any case assigned to it by the Supreme Court. A decision of the Court of Appeals may be reviewed by the Supreme Court if a majority of its justices direct that certiorari be granted. The Supreme Court may by order recall a case from the Court of Appeals.
[O.S.A. 20, §30.1]

2.4 Judges (6)

a. Each division of the court selects its presiding judge for a term of 1 year.

b. Court of Appeals judges must be qualified voters in the state, and must have a minimum of 4 years experience as a licensed practicing attorney or as a judge of a court of record or both.

c. Court of Appeals judges are elected on nonpartisan ballots from the six congressional districts in the state. Judges serve 6-year terms. The Governor fills vacancies by appointment of a qualified person from the congressional district where the vacancy exists. The Governor shall consider the recommendation of the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). At the primary and general election next succeeding the occurrance of the vacancy, a person is elected to fill the unexpired term of that office.
[Const., Art. VII, §8; 51 O.S. Supp. 1980, §10; Administrative Director of the Courts]

2.5 Administration

a. There are no formal provisions regarding the administrative authority of the Court of Appeals presiding judges. They perform administrative duties for their respective divisions.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b. (state-level administrator).

c. The clerk of the Supreme Court is also the clerk of the Court of Appeals. Reference Section 1.5.1.c.
[20 O.S. Supp. 1979, §78]

2.6 Rule-making. Reference Section 1.6.1.

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court sits in continuous session.
[Administrative Director of the Courts]

3.2 Organization. There are 26 District Court judicial districts. There are 9 judicial administrative districts, each headed by a presiding judge. Subject to the authority of the Supreme Court, the presiding judges designate places for holding court and may provide for divisions of the court.
[Const., Art. VII, §10; 20 O.S. Supp. 1980, §92.1]

3.3 Jurisdiction

a. The District Court has unlimited original jurisdiction in all justiciable matters, powers of review of administrative action, and power to issue writs, remedial or otherwise, necessary or proper to carry into effect its orders, judgments, or decrees.

b. The District Court hears trials de novo from the Municipal Court Not of Record.
[Const., Art. VII, §1; O.S. Supp. 1979, §27-129]

3.4 Judges (71 district judges; 77 associate district judges, 50 special judges)

a. There is no provision for a chief judge over all the districts of the District Court. In each of the nine judicial administrative districts, the district and associate district judges elect one of their district judges as the presiding judge. If an individual District Court has more than one judge, the presiding judge of that judicial administrative district designates a chief judge of that court. He serves as chief judge at the pleasure of the presiding judge, or may rotate into the position in a manner presented by the presiding judge.

b. District Court judges must have been residents of the state and their district for 6 months, must be qualified voters of their respective districts and must have a minimum of 4 years of experience as a licensed practicing attorney, or as a judge of a court of record within the state, or both. Associate district judges must meet these same requirements except those elected or appointed after July 15, 1974, are required to have only 2 years of experience.

c. District Court judges and associate district judges are elected in non-partisan elections by the voters in their respective counties or districts for terms of 4 years. When a vacancy occurs in the office of district judge, the Governor appoints one of three persons nominated by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). If the Governor fails to make the appointment within 60 days, the Chief Justice appoints one of the nominees. If a vacancy occurs in the office of associate district judge, or if an associate district judge is unable to perform the duties of his office, the presiding judge of that judicial administrative district appoints a special judge to hold office for the duration of the vacancy.
[Const., Art. VII, §§8, 9, 10, Art. VII.B, §4; O.S.A. 20, §22(b); O.S.A. 20, Ch. 2, App. 2, Rule 7; 20 O.S. Supp. 1979, §121.1; Administrative Director of the Courts]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, the presiding judge of each administrative district has general administrative authority, including the authority to provide for divisions of the court and to designate appropriate times and places for holding court. If a vacancy occurs in the office of associate district judge, or if an associate district judge is unable to perform the duties of his office, the presiding judge of the judicial administrative district may appoint a special judge to hold office for the duration of the vacancy. If an individual District Court has more than one judge, the presiding judge of that judicial administrative district designates a chief judge for that court. He serves as chief judge at the pleasure of the presiding judge, or may rotate into the position in a manner prescribed by the presiding judge.

b. There is no provision for an administrator over all the districts of the District Court. There are two trial court administrators, one each in Oklahoma and Tulsa Counties. There are no formal provisions regarding the administrative duties of the administrators. In practice, their administrative duties include the following: jury management, caseload and docketing management, and assistance to the presiding judge in regard to personnel management.

c. District clerks are elected for 4-year terms. The clerk of the district is responsible for keeping an appearance docket, a trial docket, a journal, a judgment docket, an execution docket, and such other books as may be ordered by the court or required by law. The clerk is directed to furnish without cost to the Supreme Court and the State Legislative Council such statistical and other information required including, but not limited to, the number and classification of cases (a) filed with the court, (b) disposed of by the court and the means of such disposition, and (c) the number of cases pending before the court, at each term of the court.

[Const., Art. VII, §10; O.S.A. 12, §§22, 33; O.S.A. 20, §22(b); O.S.A. 20, Ch. 2, App. 2, Rule 7; 19 O.S. Supp. 1979, §131; State Court Journal, 1977, p. 32; Administrative Director of the Courts]

3.6 Rule-making. Reference Section 1.6.1. Each presiding judge of a judicial administrative district has the authority to adapt rules for the courts of which he is in charge, subject to the authority of the Supreme Court.

[Const., Art. VII, §10; 20 O.S. Supp. 1971, Ch. 1, App. 2; Administrative Director of the Courts]

Courts of Limited or Special Jurisdiction

4.1.1 MUNICIPAL CRIMINAL COURT OF RECORD. The Municipal Criminal Court of Record sits in continuous session.

[Administrative Director of the Courts]

4.2.1 Organization. A Municipal Criminal Court of Record may be established in cities having a population of more than 200,000 persons. There are no specialized divisions of the court.

[O.S.A. 11, §28-101]

4.3.1 Jurisdiction

a. The Municipal Criminal Court of Record has original jurisdiction in cases of violation of any city ordinances. The court also has jurisdiction to administer oaths, issue subpoenas, writs of attachment, summonses, and other processes and writs issuable by the district judge in criminal proceedings.

b. The Municipal Criminal Court of Record has no appellate jurisdiction.

[O.S.A. 11, §§28-102, 28-121]

4.4.1 Judges (6 full-time, 13 part-time)

a. The Board of Commissioners (the city governing body) appoints a presiding judge for each Municipal Criminal Court of Record.

b. Municipal Criminal Court judges must meet the same qualifications as associate district judges of the District Court. Reference Section 3.4.b.

c. Municipal Criminal Court of Record judges are appointed by the Board of Commissioners of their cities or the city councils. Judges of these courts serve 2-year terms.

[O.S.A. 11, §28-103]

4.5.1 Administration

a. There are no formal provisions regarding administrative duties for the presiding judges.

b. There are no provisions for administrators for the Municipal Criminal Court of Record. Reference Section 5.2.b (state-level administrator).

c. The clerk of each Municipal Criminal Court of Record is appointed by the city governing body. He is responsible for keeping and preserving records and dockets, receiving all money paid into the court, and certifying all transcripts and other records of the court.

[O.S.A. 11, §§28-103, 28-106]

4.6.1 Rule-making. Reference Section 1.6.1.

4.1.2 MUNICIPAL COURT NOT OF RECORD. The Municipal Court Not of Record sits in continuous session.

[Administratiave Director of the Courts]

4.2.2 Organization. Any city or town may create a Municipal Court Not of Record. There are no specialized divisions of the court.

[O.S.A. 11, §27-101]

4.3.2 Jurisdiction

a. The Municipal Court Not of Record has original jurisdiction over all city ordinance violations. The court may be required to supervise juveniles placed on parole, probation, or suspended sentence.

b. The Municipal Court Not of Record has no appellate jurisdiction.

[O.S.A. 11, §§27-103, 27-124]

4.4.2 Judges (1 full-time, 533 part-time)

a. The Municipal Court Not of Record does not have chief judges.

b. Judges of the Municipal Court Not of Record must be licensed to practice law in the state, except that the requirement may be waived for cities having less than 7,500 population or if no licensed attorney resides in the county in which the city is located.

c. Judges of the Municipal Court Not of Record are appointed by the mayors of the cities where the courts are established with the consent of the governing bodies of the cities. Judges of the Municipal Court Not of Record serve 2-year terms.

[O.S.A. 11, §27-104; Administrative Director of the Courts]

4.5.2 Administration

a. There are no provisions for presiding judges for the Municipal Court Not of Record.

b. There are no provisions for administrators for the Municipal Court Not of Record. Reference Section 5.2.b (state-level administrator).

c. City clerks, or deputies designated by them, serve as ex officio Municipal Court clerks. The clerks are responsible for recording court proceedings, receiving and delivering to the city treasurer all money paid into the court, and performing clerical duties assigned by judges.

[O.S.A. 11, §27-109]

4.6.2 Rule-making. The Supreme Court may promulgate rules and regulations for the Municipal Court Not of Record. Reference Section 1.6.1. The judge of each court may prescribe rules for the conduct of his court consistent with state law.

[O.S.A. 11, §§27-114, 27-131]

4.1.3 WORKERS' COMPENSATION COURT. The Workers' Compensation Court sits at Oklahoma City, the state capital. The court sits in continuous session.

[85 O.S. Supp. 1979, §1.2; Administrative Director of the Courts]

4.2.3 Organization. The court is considered to be sitting en banc when three of the seven judges are sitting. The court sits en banc only for appeal matters. Therefore, the judge who originally tries the case is the person by whom the decision is made that is appealed to the court en banc or to the Supreme Court. There are no specialized divisions of the court.

[85 O.S. Supp. 1979, §3.6; Administrative Director of the Courts]

4.3.3 Jurisdiction

a. The Workers' Compensation Court hears and determines compensation claims in industrial accident cases. The court also has the power to conduct necessary investigations. The award of the court is final and conclusive between the parties.

b. The parties have the right to appeal a decision to the court en banc or to the Supreme Court.

[85 O.S. Supp. 1979, §3.6]

4.4.3 Judges (7 district judges serve)

a. The presiding judge is designated by and serves at the pleasure of the Governor.

b. Workers' Compensation Court judges must have been licensed to practice law in the state for a period of not less than 5 years prior to appointment.

c. Workers' Compensation Court judges are appointed by the Governor. The appointments are made from a list of three nominees for each position, selected by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions) from applications submitted by qualified applicants. The Chief Justice of the Supreme Court has the authority to appoint one of the nominees if the Governor fails to do so within 60 days from the time the list of nominees is submitted. Judges of the Workers' Compensation Court serve 6-year terms. The judges that served on the State Industrial Court are serving their unexpired terms on the Workers' Compensation Court.

[85 O.S. Supp. 1979, §§1.2, 3.6]

4.5.3 Administration

a. The presiding judge presides at all hearings before the court en banc and at all conferences at which appeals and other matters are considered. He also makes procedural rulings for the courts, except those to be made in the course of hearings before a single judge; assigns or directs the assignment of cases to the several judges for hearings at places he designates; directs and supervises the work of all employees of the court; handles and oversees all administrative affairs of the court; and performs other duties necessary to operate the court in an efficient manner.

b. Until the position of the Administrator of Workers' Compensation is funded by the legislature and is actually in operation, the presiding judge of the court is responsible for performing the duties of the administrator.

c. The clerk has responsibilities as determined by the court.

[85 O.S. Supp. 1979, Ch. 4, App. R.1]

4.6.3 Rule-making. The Workers' Compensation Court has the power to formulate its own rules and procedures.

[85 O.S. Supp. 1979, §1.2]

4.1.4 COURT OF TAX REVIEW. The Court of Tax Review meets in Oklahoma City, the state capital, upon call of the presiding judge. The court reconvenes upon call of the presiding judge as deemed necessary until all protests have been heard and determined.

[68 O.S. Supp. 1980, §24104]

4.2.4 Organization. The Court of Tax Review is made up of three District Court judges. There are no specialized divisions of the court.

[O.S.A. 68, §24104]

4.3.4 Jurisdiction.

a. The Court of Tax Review has no original jurisdiction.

b. The Court of Tax Review hears and determines all protests against allegedly illegal levies. The court has the authority to hear and determine all protests filed under code §24103. The court also has the power to administer oaths, and to compel the attendance of witnesses and the production of evidence, including any public record from any county in the state.

[O.S.A. 68, §§24103, 24104, 24105]

4.4.4 Judges (3 district judges serve)

a. The presiding judge is chosen by the members. No specific term is designated.

b. District Court judges serve. Reference Section 3.4.b.

c. Court of Tax Review judges are designated by the Governor and serve coterminous with him.

[68 O.S. Supp. 1979, §24104]

4.5.4 Administration

a. There are no formal provisions for assigning administrative duties to the presiding judge.

b. The State Board of Equalization performs any necessary administrative duties.

c. The state auditor and inspector serves as clerk. He has the responsibility for transmitting a copy of a taxpayer protest to the treasurer of the affected county. He also has the responsibility for transmitting a copy of the decisions of the Tax Court to the county clerk, the county assessor, the county treasurer, and to the protestant or his attorney of record.

[O.S.A. 68, §§24103, 24106; Administrative Director of the Courts]

4.6.4 Rule-making. The judges for the Court of Tax Review promulgate rules. The rules are approved by the Supreme Court.

[Administrative Director of the Courts]

4.1.5 COURT OF BANK REVIEW. The Court of Bank Review schedules meetings at Oklahoma City, the state capital, at least once every 60 days. The court meets on call of the presiding judge.

[O.S.A. 6, §207]

4.2.5 Organization. The state is divided into three Criminal Court of Appeals districts, designated respectively as the eastern, northern, and southern Criminal Court of Appeals judicial districts. The Court of Bank Review is made up of three District Court judges, one from each of the Court of Criminal Appeals districts. There are no specialized divisions of the court.

[20 O.S. 1971, §33]

4.3.5 Jurisdiction.

a. The Court of Bank Review has no original jurisdiction.

b. The Court of Bank Review has the authority and duty to hear and determine all appeals from any final order of the Commissioner of the Banking Board or of the board itself. The court may affirm the appealed order, direct affirmative action, and reverse or modify.

[O.S.A. 6, §207]

4.4.5 Judges (3 district judges serve)

a. One of the three judges is designated by the members as the presiding judge. No specific term is designated.

b. District Court judges serve. Reference Section 3.4.b.

c. The Court of Bank Review consists of three District Court judges, designated by the Governor and confirmed by the senate. Each judge is from a different Court of Criminal Appeals district and serves a 4-year term. Vacancies are filled by the Governor. The appointee serves for the unexpired term.

[O.S.A. 6, §207; Administrative Director of the Courts]

4.5.5 Administration

a. There are no formal provisions for assigning administrative duties to the presiding judge.

b. The Bank Commissioner performs any necessary administrative duties.

c. The clerk of the Supreme Court serves as the clerk of the Court of Bank Review. Reference Section 1.5.1.c.

[O.S.A. 6, §207]

4.6.5 Rule-making. The members of the Court of Bank Review promulgate rules. The rules are approved by the Supreme Court.

[Administrative Director of the Courts]

State-Level Administration

5.1 General administrative authority. The Supreme Court has general administrative authority over all the courts in the state, including the temporary assignment of any judge to a court other than that for which he was selected. This authority vested in the Supreme Court is exercised by the Chief Justice in accordance with the court's rules. Reference Section 1.5.a.

[Const., Art. VII, §6]

5.2 Office of the State Court Administrator

a. The Office of the State Court Administrator is authorized by the constitution.

b. Administrative Director of the Courts

(1) The position of Administrative Director is authorized by the constitution.

(2) The Administrative Director of the Courts is appointed by and serves at the pleasure of the Supreme Court. The Supreme Court requires that the Administrative Director be a licensed attorney.

(3) The Administrative Director and his staff provide assistance to the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions), the Court on the Judiciary (reference Section 7.1), and the Council on Judicial Complaints (made up of two lawyers and one nonlawyer for the purpose of investigating complaints concerning the misconduct of judicial officers and, when necessary, recommending the prosecution of a judge before the Court on the Judiciary). They also prepare and submit annual reports to the legislature concerning the boundaries of District Court judicial districts, the number of judges needed for each judicial district, pending caseloads for each district, and caseload/judge formulae.

c. Office organization. The Office of the State Court Administrator consists of five people: four professionals (including the Administrative Director) and one legal secretary. The professional staff provides support services in the areas of computer operations and accounting.

[Const., Art. VII, §6; O.S.A. 20, §16.1 to 16.11; 20 O.S. Supp. 1979, §1651 to §1661; Administrative Director of the Courts]

Quasi-Judicial Officers

6.1.1 SUPREME COURT

6.2.1 Referee

a. Referees are appointed by and serve at the pleasure of the court. They must meet the same qualifications as a District Court judge. Reference Section 3.4.b.

b. Referees perform duties as prescribed by the Supreme Court.

[Administrative Director of the Courts]

6.1.2 DISTRICT COURT

6.2.2 Referee

a. Referees may be appointed by District Court judges assigned to hear juvenile cases in counties with a population over 100,000. Referees must be attorneys.

b. Referees may hear any juvenile case in the court's jurisdiction, and report their findings and recommendations to the judge.

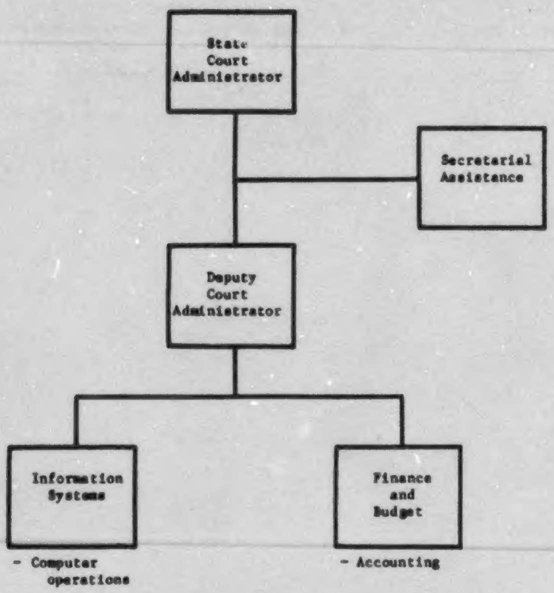
[O.S.A. 10, §1126; Parajudges: Their Role in Today's Court Systems, p. 59]

Judicial Discipline

7.1 COURT ON THE JUDICIARY. The Court on the Judiciary consists of a Trial Division composed of nine members, eight of whom are district judges, senior in service and under age 60, and one active member of the Oklahoma Bar Association, chosen by its Executive Council. The court also has an Appellate Division composed of two members of the Supreme Court, chosen by that court; one member of the Court of Criminal Appeals, chosen by that court; one active member of the State Bar Association, chosen by its Executive Council; and five district judges senior in service and under age 65. Each division of the Court on the Judiciary selects its presiding judge, who is to be judge of the qualifications and disqualifications of its own members, and makes and publishes its own rules of procedure.

[Const., Art. VII-A, §§2, 3]

Figure 2: Oklahoma state-level administrative office of the courts, 1980


State Court Administrator
Secretarial Assistance
Deputy Court Administrator
Information Systems
- Computer operations
Finance and Budget
- Accounting

7.2 Authority and procedure for sanction. Any justice or judge of any court exercising judicial power under the provisions of the Constitution of Oklahoma is subject to removal from office or compulsory retirement from office by proceedings in the Court on the Judiciary. Jurisdiction of the Trial Division of the Court on the Judiciary may be invoked by petition filed by the Supreme Court or the Chief Justice, the Governor, the Attorney General, the Executive Secretary of the Oklahoma Bar Association when directed by a majority vote of all members of its Executive Council, or by resolution of the House of Delegates or the House of Representatives of the State of Oklahoma. The Trial Division sets the matter for hearing, not less than 60 days after notice of filing. After full hearing, the Trial Division renders such judgment as the facts may justify. From any judgment of the Trial Division, the respondent or the prosecutor may appeal to the Appellate Division within 10 days after the entry of judgment. The review in the Appellate Division is an equity appeal as to both law and facts. The Appellate Division may affirm, modify, or reverse the judgment of the Trial Division.

[Const., Art. VII-A, §§1, 4, 5]

OREGON

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in continuous session in Salem.
[State Court Administrator]

1.2 Organization. The Supreme Court usually sits en banc, but it may sit in panels of three to five justices, a majority of whom must be regularly elected justices. The concurrence of a majority of justices is necessary to pronounce judgment.
[Oregon Revised Statutes (hereinafter O.R.S.) Section 2.111]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to issue extraordinary writs.

b. The Supreme Court may hear appeals on petition for review from the Court of Appeals. The court also decides appeals from the Oregon Tax Court.
[Constitution, Article VII, Amended Section 2; State Court Administrator]

1.4 Justices (7)

a. The Chief Justice is elected by a majority of the justices of the court and completes his 6-year term in this role. He may succeed himself.

b. Supreme Court justices must be United States citizens and must have been residents of Oregon for at least 3 years preceding their election or appointment. All elected justices must be lawyers.

c. Supreme Court justices are elected to 6-year terms on a nonpartisan basis by the voters of the state. The Governor fills judicial vacancies by appointment. The appointee serves until a successor is elected at the next general election. Judges pro tempore may be appointed by the court.
[Const., Art. VII, Amend. §§1, 16; O.R.S. §§2.020, 2.045]

1.5 Administration

a. The Chief Justice has administrative authority in accordance with Supreme Court rules and orders. He exercises administration and supervision over the entire court system through the State Court Administrator, the chief judge of the Court of Appeals, presiding judges of the Circuit Court, and trial court administrators. Reference Section 5.1 (General administrative authority). In regard to the administration of the Supreme Court, the Chief Justice apportions business to the panels of the court; designates the justice to preside in each panel of the court in his absence; assigns the justices to panels; and can order the court to sit en banc.

b. The State Court Administrator serves as the administrator for the Supreme Court. Reference Section 5.2.b (state-level administrator).

c. The State Court Administrator serves as the Supreme Court clerk. Reference Section 5.2.b.
[O.R.S. §§1.002, 2.111, 2.560, 7.0, 8.120; State Court Administrator]

1.6 Rule-making. The Council on Court Procedure was created to promulgate rules of civil procedure. The council is composed of 10 judges, 12 lawyers, and 1 layman. Rules of criminal procedure are promulgated by the state legislature. The Supreme Court is prohibited from making rules of criminal and civil procedure. It can, however, adopt rules prescribing the form of all process, notices, motions, and other written pleadings for all courts, which are not considered rules of criminal or civil procedure. The court has general administrative authority and supervisory control over the courts of the state and can make rules to exercise this authority. All judges and court personnel in the state must comply with Supreme Court administrative rules.
[O.R.S. §§1.002, 1.280, 31.002; State Court Administrator]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The court sits in continuous session in Salem.
[O.R.S. §1.060; State Court Administrator]

2.2 Organization. The judges sit in panels of three judges, a majority of whom must be regularly elected judges of the court. The concurrence of two judges is necessary to pronounce judgment. The chief judge or a majority of the regularly elected judges can order the court to sit en banc, with not more than two judges pro tempore sitting on the court.
[O.R.S. §2.570]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has exclusive appellate jurisdiction.
[O.R.S. §§2.510, 221.380, 419.561]

2.4 Judges (10)

a. The chief judge is selected in the same manner and for the same term as the Chief Justice of the Supreme Court. Reference Section 1.4.a.

b. Court of Appeals judges must be qualified voters of the counties of their residence and must be licensed attorneys.

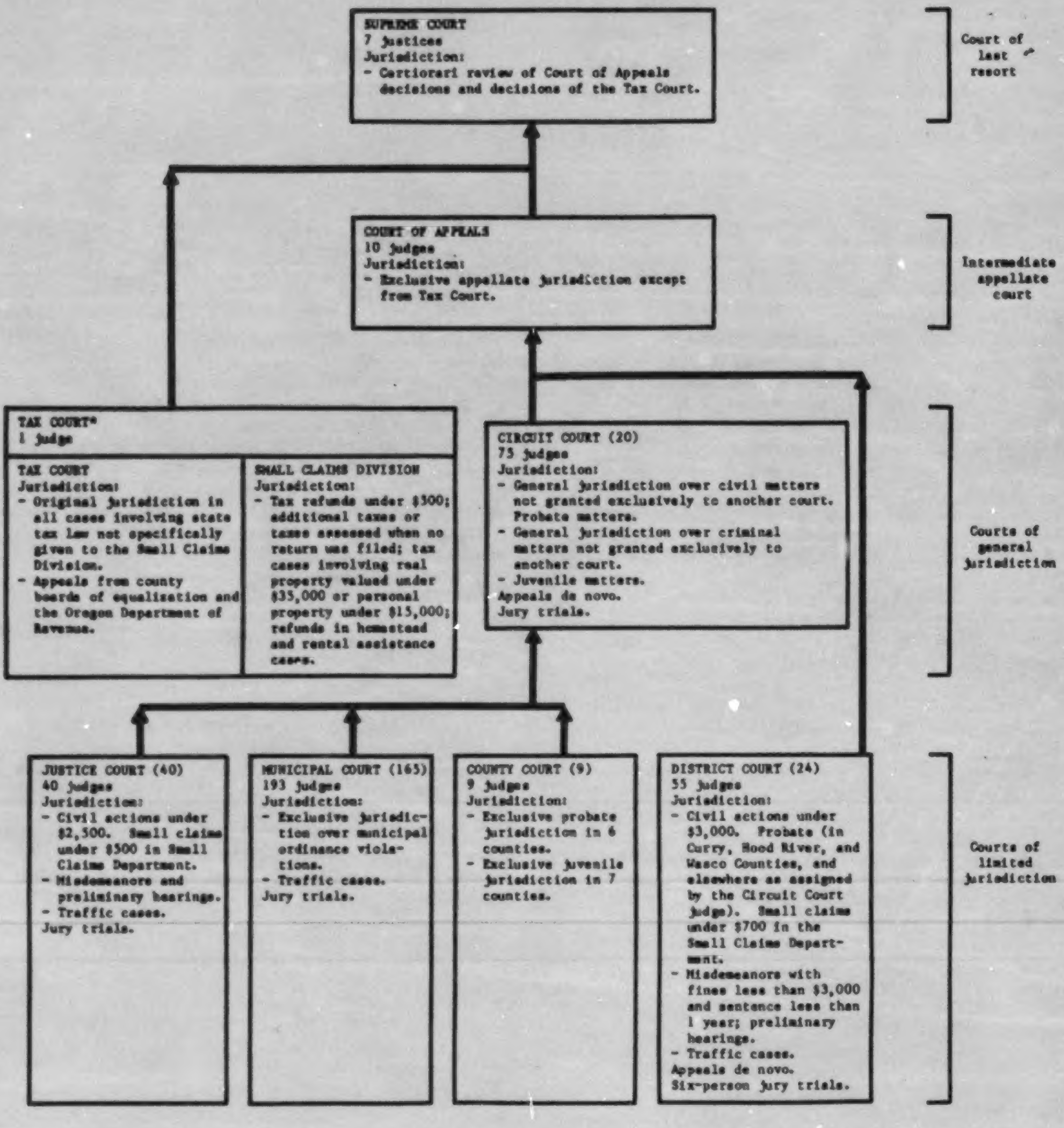
c. Court of Appeals judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.
[O.R.S. §2.540]

2.5 Administration

a. The chief judge apportions the business of the court between the panels, and can order the court to sit en banc. He presides over any panel in which he sits and designates a judge to preside over each panel in his absence.

b. The State Court Administrator serves as the administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

Figure 1: Oregon court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Certiorari review of Court of Appeals decisions and decisions of the Tax Court.

COURT OF APPEALS
10 judges
Jurisdiction:
- Exclusive appellate jurisdiction except from Tax Court.

TAX COURT*
1 judge

TAX COURT
Jurisdiction:
- Original jurisdiction in all cases involving state tax law not specifically given to the Small Claims Division.
- Appeals from county boards of equalization and the Oregon Department of Revenue.

SMALL CLAIMS DIVISION
Jurisdiction:
- Tax refunds under $300; additional taxes or taxes assessed when no return was filed; tax cases involving real property valued under $35,000 or personal property under $15,000; refunds in homestead and rental assistance cases.

CIRCUIT COURT (20)
75 judges
Jurisdiction:
- General jurisdiction over civil matters not granted exclusively to another court. Probate matters.
- General jurisdiction over criminal matters not granted exclusively to another court.
- Juvenile matters.

Appeals de novo.
Jury trials.

JUSTICE COURT (40)
40 judges
Jurisdiction:
- Civil actions under $2,500. Small claims under $500 in Small Claims Department.
- Misdemeanors and preliminary hearings.
- Traffic cases.

Jury trials.

MUNICIPAL COURT (165)
193 judges
Jurisdiction:
- Exclusive jurisdiction over municipal ordinance violations.
- Traffic cases.

Jury trials.

COUNTY COURT (9)
9 judges
Jurisdiction:
- Exclusive probate jurisdiction in 6 counties.
- Exclusive juvenile jurisdiction in 7 counties.

DISTRICT COURT (24)
55 judges
Jurisdiction:
- Civil actions under $3,000. Probate (in Curry, Hood River, and Wasco Counties, and elsewhere as assigned by the Circuit Court judge). Small claims under $700 in the Small Claims Department.
- Misdemeanors with fines less than $3,000 and sentence less than 1 year; preliminary hearings.
- Traffic cases.

Appeals de novo.
Six-person jury trials.

Court of last resort
Intermediate appellate court
Courts of general jurisdiction
Courts of limited jurisdiction

↑ Indicates route of appeal.

*The Oregon Tax Court is classified as a court of general jurisdiction by state statute.

c. The State Court Administrator serves as the clerk of the Court of Appeals. Reference Section 5.2.b.

[O.R.S. §§2.560, 2.570, 7.0, 8.120; State Court Administrator]

2.6 Rule-making. The Court of Appeals may make administrative rules for the court that are not in conflict with Supreme Court rules. A single set of rules has been jointly promulgated by the two courts. Reference Section 1.6.

[O.R.S. §2.560; State Court Administrator]

Courts of General Jurisdiction

3.1.1 CIRCUIT COURT. The court sits in continuous session.

[O.R.S. §1.060]

3.2.1 Organization. There are 20 circuits, based on county and multi-county boundaries. There is an informal Juvenile Department in most Circuit Courts. In Marion County, there is a statutorily designated Department of Domestic Relations that hears domestic relations cases and juvenile matters. These cases. however, can be reassigned to other judges. In Multnomah County there is a Probate Department to hear probate cases and mental health cases, and a Department of Domestic Relations to hear domestic relations cases and juvenile matters. Cases can be heard by any department of the court, however, and judges can sit in any department.

[O.R.S. §§3.011, 3.160, 3.170, 3.250 to 3.280, 3.314, 3.320, 3.330, 3.360]

3.3.1 Jurisdiction

a. Except where otherwise provided by law, the Circuit Court has original jurisdiction in all matters.

b. The Circuit Court has appellate jurisdiction over cases from all courts of limited jurisdiction except the District Court.

[Const., Art. VII, §9; O.R.S. §§2.510, 3.150, 3.250 to 3.280, 205.410, 471.990, 484.030]

3.4.1 Judges (75)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. In any multi-judge circuit, a presiding judge is elected by the majority of the judges. If a majority cannot agree, a presiding judge is appointed by the Supreme Court. The term of a presiding judge is 1 year, and he may succeed himself indefinitely.

b. Circuit Court judges must have been residents of the state for 3 years and residents of their districts for 1 year prior to their election, and must be licensed attorneys. Judges must also generally be residents of or have their principal offices in their judicial circuits.

c. Circuit Court judges are elected on a nonpartisan basis by the voters of their circuits to single 6-year terms.

[Const., Art. VII, Amend. §1; O.R.S. §§3.030, 3.041, 3.050, 3.065]

3.5.1 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, multi-judge circuits have presiding judges. When a majority of the court cannot agree on the apportionment of business and the form of rules, the presiding judge's decision controls in all but the Fourth Judicial District (Multnomah County). The presiding judge in the Fourth District can assign cases from the Department of Domestic Relations and Probate Department, when they become congested, to other departments. When the presiding judge cannot perform his duties, he may designate an acting presiding judge to assume them.

b. There is no provision for an administrator over all the circuits of the Circuit Court. The office of administrator in the Circuit Court is authorized in single-county circuits with populations of 70,000 or more. The presiding judge may appoint a court administrator with the approval of a majority of the judges. The administrators perform the functions prescribed by the court rules of the circuits where appointed.

c. Clerks of the Circuit Court are the elected county clerks, except in those home rule counties where there is no elected county clerk. Those counties have appointed county administrators/court administrators. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Const., Art. VII, §15; O.R.S. §§3.065, 3.220, 3.360, 8.070; State Court Administrator]

3.6.1 Rule-making. Rules governing procedure in the Circuit Court are promulgated in the same manner as procedural rules in the Supreme Court. Reference Section 1.6. The judges in each circuit have authority to promulgate rules of court administration as long as they are consistent with Supreme Court rules.

[O.R.S. §§3.220 (1), 3.380]

3.1.2 TAX COURT. (The Oregon Tax Court is classified as a court of general jurisdiction in O.R.S. §305.405 within the substantive areas defined by O.R.S. §305.410.)

The court sits in continuous session.

[O.R.S. §1.060]

3.2.2 Organization. The Tax Court sits in Salem, but conducts trials at any county seat throughout the state. There is a Small Claims Division.

[O.R.S. §§305.475, 305.515]

3.3.2 Jurisdiction

a. The Tax Court has original jurisdiction over cases involving state tax laws.

The Small Claims Division hears cases involving certain specified tax refunds that do not exceed $500; additional taxes, or taxes assessed when no return was filed; proceedings by taxpayers involving the cash value of real property that does not exceed $35,000 or personal property that does not exceed $15,000; and refunds in homestead and rental assistance cases of any value.

b. The Tax Court has no appellate jurisdiction other than the jurisdiction to hear tax cases from administrative agencies de novo.

[O.R.S. §§305.405, 305.410, 305.425, 305.515, 305.540]

3.4.2 Judges (1)

a. The Tax Court does not have a chief judge.

b. The Tax Court judge must be a resident of the state, must be admitted to the practice of law in the state Supreme Court, and must have been engaged for 3 years in either the active practice of law or as a judicial or quasi-judicial officer.

c. The Tax Court judge is elected on a nonpartisan basis by the voters of the state to a 6-year term.

[Const., Art. VII, Amend. §1; O.R.S. §§305.452, 305.455]

3.5.2 Administration

a. There is no provision for a chief judge for the Tax Court.

b. There is no provision for an administrator for the Tax Court. Reference Section 5.2.b (state-level administrator).

c. There is a clerk appointed by the court, whose administrative duties are not statutorily assigned. He has responsibilities as determined by the court.

[O.R.S. §305.480]

3.6.2 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. The court sits in continuous session.

[O.R.S. §1.060]

4.2.1 Organization. There are 24 District Courts in the state's 36 counties: 21 single-county District Courts, and 3 courts that serve 2 counties. Each District Court has a Small Claims Department.

[O.R.S. §46.405; State Court Administrator]

4.3.1 Jurisdiction

a. The District Court has jurisdiction in all misdemeanor cases where the punishment indicated is not more than $3,000 or 1-year of imprisonment, and all nonfelonious traffic cases. The District Court has concurrent jurisdiction with the Municipal Court in municipal charter violations. The court has jurisdiction in civil cases involving not more than $3,000, and in all cases of forcible entry and detainer. Jurisdiction is concurrent with Municipal and Justice Courts in state liquor law violation cases. Small Claims Departments hear cases involving not more than $700. In Curry, Hood River, and Wasco Counties the District Court judge has probate authority. In the other 24 counties with a District Court, probate cases may be assigned by the Circuit Court to a District Court judge.

b. The District Court has no appellate jurisdiction.

[O.R.S. §§46.040, 46.060, 471.990, 484.030; State Court Administrator]

4.4.1 Judges (55)

a. In multi-judge districts a presiding judge is chosen by the judges of the court. If they cannot agree on a person, the Circuit Court for the county designates a presiding judge until the judges reach agreement. The presiding judge can be removed at any time and another one chosen.

b. District Court judges must have been residents of the state for 3 years and must be licensed attorneys. They must also generally have been residents, or have had their principal offices for 1 year in their districts.

c. District Court judges are selected in the same manner and for the same term as Supreme Court justices by the voters of their respective districts. Reference Section 1.4.c.

[O.R.S. §§46.610, 46.665]

4.5.1 Administration

a. When the presiding judge of a multi-judge District Court is unable to serve, he can appoint another judge to act in his place. There are no statutory or constitutional provisions for assigning administrative authority or other responsibilities to the presiding judges.

b. There are no statutory or constitutional provisions for an administrator over all the districts, although several districts have court administrators. Their duties include management of personnel, caseflow, records, statistics, facilities, and budget matters.

c. The elected county clerk is the clerk of the District Court except in Multnomah, Washington, Lane, Hood River, Benton, Jackson, Union, and Wallowa counties. In Union and Wallowa counties, the elected county clerk is the ex officio clerk of the District Court. The city of Gresham and Multnomah County may provide for a clerk of the District Court; however, the method of selection is not statutorily determined. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Const., Art. VII, §15; O.R.S. §§46.010, 46.665, 46.720, 46.725; State Court Administrator]

4.6.1 Rule-making. Reference Section 1.6. The judge or judges of each District Court are authorized to promulgate administrative rules for their courts that are not in conflict with rules of the Supreme Court.

[O.R.S. §46.280]

4.1.2 JUSTICE COURT. The court sits in continuous session.

[O.R.S. §1.060]

4.2.2 Organization. The number of Justice Court districts in each county is determined by the Board of County Commissioners. There may be up to five Justice Courts in any county that has a District Court. In those counties not having a District Court, there may be up to six courts. Forty communities have Justice Courts. Their jurisdiction, however, does not include cities in which there is a District Court. Each Justice Court has a Small Claims Department.

[O.R.S. §§46.026, 51.020, 51.030; State Court Administrator]

4.3.2 Jurisdiction

a. The Justice Court has jurisdiction in misdemeanor cases. It also has jurisdiction in cases involving public contracts and purchasing, maximum working hours, deceptive and fraudulent employment practices, and civil cases involving not more than $2,500. The Small Claims Department hears actions for recovery of money or damages of $500 or less. The Justice Court has jurisdiction in cases involving violations of state liquor laws and in all nonfelonious state traffic offenses.

b. The Justice Court has no appellate jurisdiction.

[O.R.S. §§51.040, 51.050, 471.990, 484.030; State Court Administrator]

4.4.2 Judges (40)

a. The Justice Court does not have presiding judges. Each court is a single judge court.

b. Justices of the peace must be voters of their counties and must have been residents of their districts for 6 months preceding their election.

c. Justices of the peace are selected in the same manner and for the same term as Supreme Court justices by the voters of their respective districts. Reference Section 1.4.c.

[O.R.S. §§51.020, 51.021, 51.240; State Court Administrator]

4.5.2 Administration

a. There are no provisions for presiding judges for the Justice Court.

b. There are no provisions for administrators for the Justice Court. Reference Section 5.2.b (state-level administrator).

c. The County Court or Board of County Commissioners may provide for a clerk in the Justice

Court, however, the method of selection is not statutorily determined. There are no formal provisions for assigning administrative duties to Justice Court clerks. They have responsibilities as determined by their respective courts.

[O.R.S. §51.140]

4.6.2 Rule-making. Reference Section 1.6. The Justice Court may promulgate rules of court administration that are not in conflict with rules promulgated by the Supreme Court.

[O.R.S. §52.030]

4.1.3 COUNTY COURT. The court sits in continuous session.

[O.R.S. §1.060]

4.2.3 Organization. Statutes provide for one court in each of nine rural counties. Specialized divisions of the County Court are locally determined.

[O.R.S. §§5.020, 3.265, 111.055]

4.3.3 Jurisdiction

a. The County Courts in Crook, Gilliam, Harney, Jefferson, Morrow, Sherman, and Wheeler counties have juvenile jurisdiction. The County Courts in Gilliam, Grant, Harney, Malheur, Sherman, and Wheeler counties have original jurisdiction over all probate matters in their counties. The judge of any County Court can grant preliminary injunctions or orders in any suit in the Circuit Court commenced in the county.

b. The County Court has no appellate jurisdiction.

[O.R.S. §§3.265, 5.020, 5.050, 111.055]

4.4.3 Judges (9)

a. The County Court does not have presiding judges.

b. County Court judges must be voters of their counties and must have been residents of their districts for 1 year preceding their election.

c. County Court judges are selected in the same manner and for the same term as Supreme Court justices by the voters of their respective districts. Reference Section 1.4.c.

[Const., Art. VI, §8]

4.5.3 Administration

a. There are no provisions for presiding judges for the County Court.

b. There are no provisions for administrators for the County Court. Reference Section 5.2.b (state-level administrator).

c. The elected county clerks are the clerks of the County Court. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Const., Art. VII, §15; O.R.S. §46.720]

4.6.3 Rule-making. Reference Section 1.6.

4.1.4 MUNICIPAL COURT. The court sits in continuous session as required.

[O.R.S. §1.060]

4.2.4 Organization. Any incorporated city or town may have a Municipal Court, with divisions dependent upon municipal ordinance.

[O.R.S. §221.100]

4.3.4 Jurisdiction

a. The Municipal Court has jurisdiction over the regulations of incorporated cities and towns. It has concurrent jurisdiction with the Justice and District Courts over state liquor law violations. The court has concurrent jurisdiction with the Justice Court over nonfelonious state traffic offenses within municipal boundaries.

b. The Municipal Court has no appellate jurisdiction.

[Const., Art. VII, §1; O.R.S. §§46.040, 471.990, 484.030]

4.4.4 Judges (193)

a. The Municipal Court does not have presiding judges.

b. Municipal Court judges are not required to be attorneys, but many of them are.

c. Municipal Court judges are selected by City Councils, except in two cities where they are elected by the voters of the cities.

[O.R.S. §§221.110, 221.140; State Court Administrator]

4.5.4 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court.

c. There are no statutory provisions for clerks for the Municipal Court.

4.6.4 Rule-making. The Municipal Court operates outside the state system but within legislative direction. It is controlled in some procedures by state law.

[State Court Administrator]

State-Level Administration

5.1 General administrative authority. The Supreme Court has general administrative authority over the courts of the state. The Chief Justice exercises this administrative authority in accordance with Supreme Court rules and orders. The Chief Justice appoints the judicial members of the Minor Court Rules Committee and is chairman of the Judicial Conference (reference Table 29: Judicial councils and conferences). The Supreme Court can assign senior judges (retired justices of the Supreme Court and retired judges of the Court of Appeals, District Court, Circuit Court, and Tax Court with 12 years or more service on the bench) and attorneys to courts as needed on a temporary basis. Reference Section 1.5.a.

[O.R.S. §§1.002, 1.300, 1.510, 1.810]

5.2 Office of State Court Administrator

a. There is no specific authorization for the administrative office.

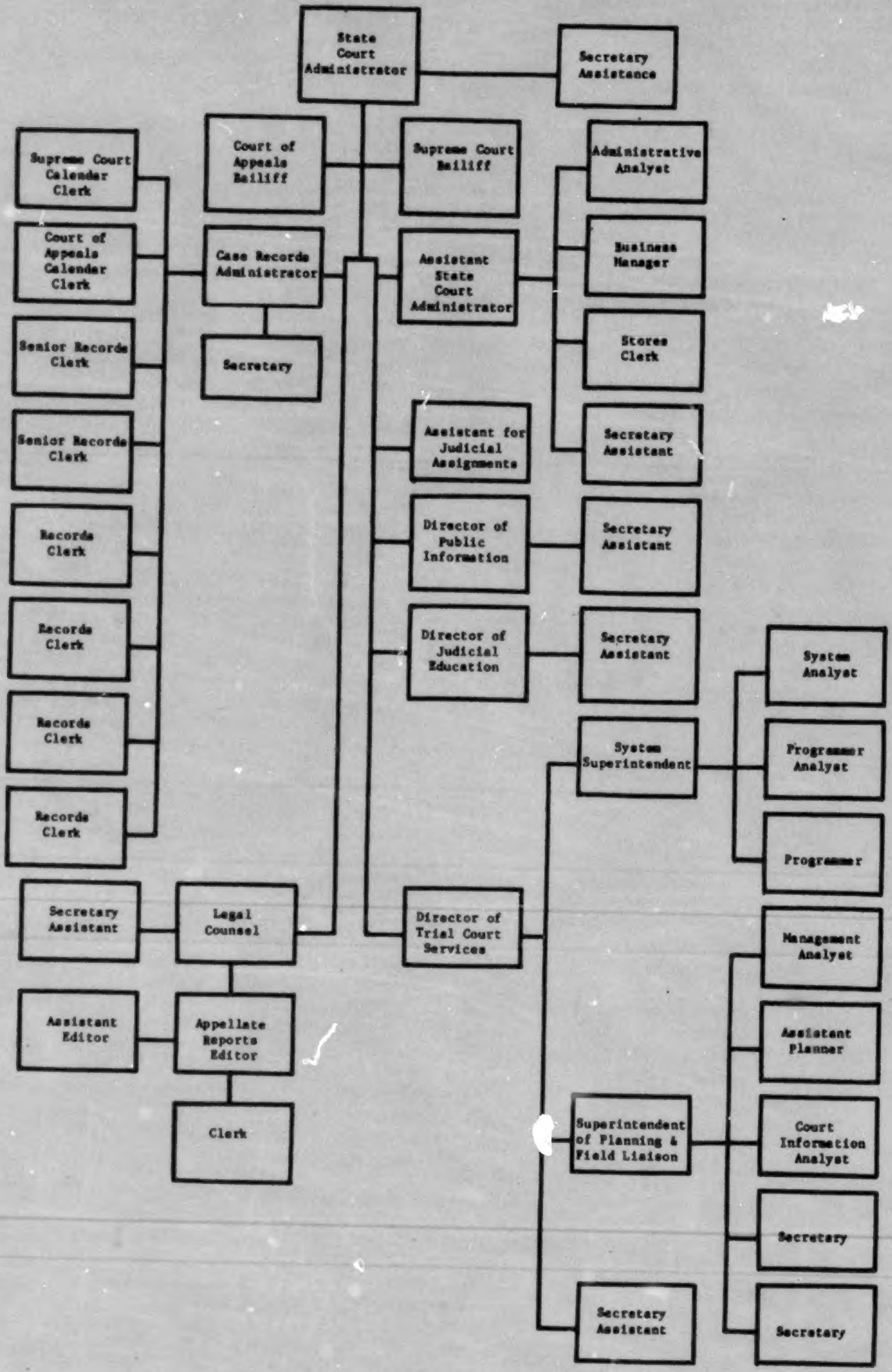
b. State Court Administrator

(1) The position of State Court Administrator is authorized by statute.

(2) There are no statutory or constitutional qualifications for the position of State Court Administrator. In practice, experience as a practicing attorney in the courts and as a presiding judge as well as knowledge of state government and the legislative process are desired qualifications. The State Court Administrator is appointed by the Supreme Court or a majority of the justices.

(3) The State Court Administrator acts as the administrator and serves as the clerk of the Supreme Court and the Court of Appeals. The administrator is required to assist the Chief Justice in exercising his administrative authority and supervision over the courts. This authority includes compiling data, conducting studies, issuing reports, making recommendations, and issuing orders concerning administrative methods and court business in all courts except the Supreme Court and Municipal Court; requiring reports from all courts except the Supreme Court; and taking such action as is necessary to further the administration of

Figure 2: Oregon state-level administrative office of the courts, 1980


State Court Administrator
Secretary Assistance
Supreme Court Calendar Clerk
Court of Appeals Bailiff
Supreme Court Bailiff
Administrative Analyst
Court of Appeals Calendar Clerk
Case Records Administrator
Assistant State Court Administrator
Business Manager
Senior Records Clerk
Secretary
Stores Clerk
Senior Records Clerk
Assistant for Judicial Assignments
Secretary Assistant
Records Clerk
Director of Public Information
Secretary Assistant
Records Clerk
Director of Judicial Education
Secretary Assistant
System Analyst
Records Clerk
System Superintendent
Programmer Analyst
Records Clerk
Programmer
Secretary Assistant
Legal Counsel
Director of Trial Court Services
Management Analyst
Assistant Editor
Appellate Reports Editor
Assistant Planner
Clerk
Superintendent of Planning & Field Liaison
Court Information Analyst
Secretary
Secretary Assistant
Secretary

justice. The State Court Administrator can appoint appropriate administrative staff with the consent and approval of the Supreme Court.

c. Office organization. The State Court Administrator selects the staff, with the consent and approval of the Supreme Court. The staff serves at the pleasure of the State Court Administrator. It consists of 15 people: 10 professionals and 5 clerical personnel. The task of the staff is to coordinate, study, plan, monitor, and assist the trial courts as much as possible. They provide support in the following areas: systems analysis, programming, and records management; payroll, accounting, auditing, budgeting, and purchasing; education, training, and publications; legislative, executive, public, and media information, and legislative and executive liaison; statistical compilation, planning, research, statistical analysis, legal services, and legislative drafting.

[O.R.S. §§1.002, 1.006, 2.560, 7.0, 8.110;
State Court Administrator]

Quasi-Judicial Officers

6.1.1 ALL COURTS

6.2.1 Referee

a. Any court can appoint a referee. Each referee must be qualified as a juror by statute. Up to three referees may be selected for a case, either by the parties involved or by the court when the judge in the case needs a finding of fact or information gathered.

b. A referee may be appointed to try and report on the issues in a civil proceeding, execute an order or judgment, or perform any other duties prescribed by statute.

[O.R.S. §§17.705, 17.720, 17.725, 17.730, 17.735]

6.1.2 SUPREME COURT, COURT OF APPEALS, CIRCUIT COURT, TAX COURT, DISTRICT COURT

6.2.2 Judge pro tempore

a. The Supreme Court can appoint any eligible person to serve as judge pro tempore for the above courts whenever it determines the appointment is reasonably necessary to promote efficient administration of justice. In order to be considered eligible, that person must be a state resident and must have been a licensed attorney for 3 years prior to appointment. The Supreme Court determines the court to which appointment is made and the duration of the appointment.

b. Each judge pro tempore has the same authority and duties as a regular judge of the court to which he is assigned. A judge pro tempore, however, may not participate in the review of a case in which he was a participant while serving on a court of lesser jurisdiction.

[O.R.S. §§1.600, 1.635, 1.645]

6.1.3 JUSTICE COURT

6.2.3 Justice of the peace pro tempore

a. When a justice of the peace is temporarily absent or incapacitated, the County Court may appoint a justice of the peace pro tempore, who must have the same qualifications as a regular justice. If the absence is for more than 60 days, the Governor must appoint a qualified justice of the peace pro tempore.

b. The justice of the peace pro tempore has the same authority and duties as the justice of the peace for whom he is substituting.

[O.R.S. §51.260]

Judicial Discipline

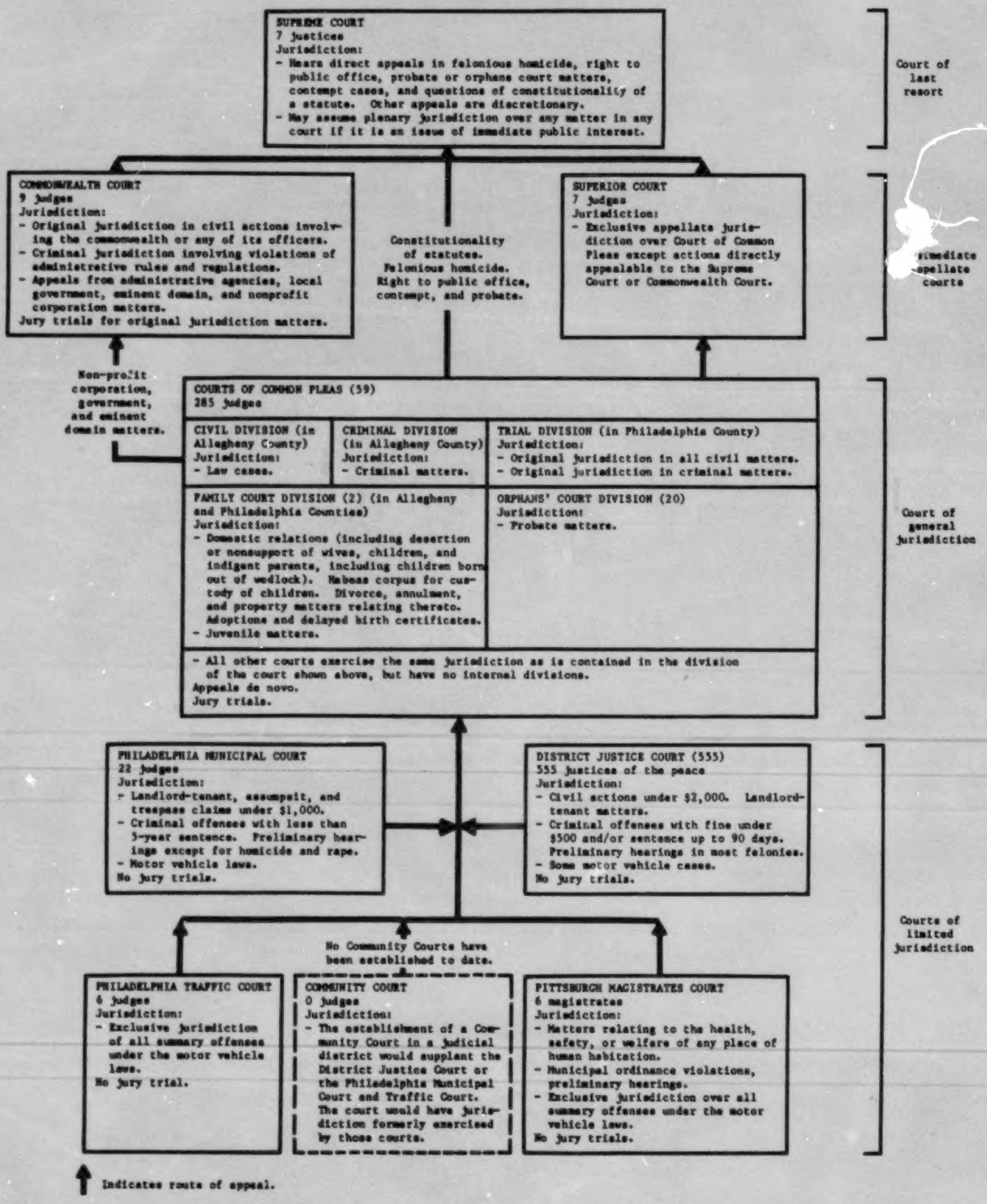
7.1 Commission on Judicial Fitness. The commission is composed of three judges, appointed by the Supreme Court; three licensed attorneys, appointed by the Board of Governors of the state bar; and three persons who are not judges or attorneys, appointed by the Governor and confirmed by the Senate.

[O.R.S. §1.410]

7.2 Authority and procedure for sanction. Upon complaint of judicial misconduct, or the request of the Supreme Court, the commission conducts an investigation. The commission may hold a private hearing unless the judge being investigated requests it to be public. The judge is present and may be represented by counsel. He may present and cross examine witnesses. The commission may request that the Supreme Court appoint three special masters to investigate and hold hearings in the same manner as the commission. The commission reviews all findings and conclusions of the investigation and makes an appropriate recommendation to the Supreme Court. The court reviews the records, receives briefs, hears oral arguments, and makes the decision for dismissal of the charge or censure, suspension, or removal.

[O.R.S. §§1.420, 1.430]

Figure 1: Pennsylvania court system, 1980



SUPREME COURT
7 justices
Jurisdiction:
- Hears direct appeals in felonious homicide, right to public office, probate or orphans court matters, contempt cases, and questions of constitutionality of a statute. Other appeals are discretionary.
- May assume plenary jurisdiction over any matter in any court if it is an issue of immediate public interest.

COMMONWEALTH COURT
9 judges
Jurisdiction:
- Original jurisdiction in civil actions involving the commonwealth or any of its officers.
- Criminal jurisdiction involving violations of administrative rules and regulations.
- Appeals from administrative agencies, local government, eminent domain, and nonprofit corporation matters.
Jury trials for original jurisdiction matters.

SUPERIOR COURT
7 judges
Jurisdiction:
- Exclusive appellate jurisdiction over Court of Common Pleas except actions directly appealable to the Supreme Court or Commonwealth Court.

COURTS OF COMMON PLEAS (59)
285 judges

CIVIL DIVISION (in Allegheny County)
Jurisdiction:
- Law cases.

CRIMINAL DIVISION (in Allegheny County)
Jurisdiction:
- Criminal matters.

TRIAL DIVISION (in Philadelphia County)
Jurisdiction:
- Original jurisdiction in all civil matters.
- Original jurisdiction in criminal matters.

FAMILY COURT DIVISION (2) (in Allegheny and Philadelphia Counties)
Jurisdiction:
- Domestic relations (including desertion or nonsupport of wives, children, and indigent parents, including children born out of wedlock). Habeas corpus for custody of children. Divorce, annulment, and property matters relating thereto. Adoptions and delayed birth certificates.
- Juvenile matters.

ORPHANS' COURT DIVISION (20)
Jurisdiction:
- Probate matters.

- All other courts exercise the same jurisdiction as is contained in the division of the court shown above, but have no internal divisions.
Appeals de novo.
Jury trials.

PHILADELPHIA MUNICIPAL COURT
22 judges
Jurisdiction:
- Landlord-tenant, assumpsit, and trespass claims under $1,000.
- Criminal offenses with less than 5-year sentence. Preliminary hearings except for homicide and rape.
- Motor vehicle laws.
No jury trials.

DISTRICT JUSTICE COURT (555)
555 justices of the peace
Jurisdiction:
- Civil actions under $2,000. Landlord-tenant matters.
- Criminal offenses with fine under $500 and/or sentence up to 90 days. Preliminary hearings in most felonies.
- Some motor vehicle cases.
No jury trials.

PHILADELPHIA TRAFFIC COURT
6 judges
Jurisdiction:
- Exclusive jurisdiction of all summary offenses under the motor vehicle laws.
No jury trial.

COMMUNITY COURT
0 judges
Jurisdiction:
- The establishment of a Community Court in a judicial district would supplant the District Justice Court or the Philadelphia Municipal Court and Traffic Court. The court would have jurisdiction formerly exercised by those courts.

PITTSBURGH MAGISTRATES COURT
6 magistrates
Jurisdiction:
- Matters relating to the health, safety, or welfare of any place of human habitation.
- Municipal ordinance violations, preliminary hearings.
- Exclusive jurisdiction over all summary offenses under the motor vehicle laws.
No jury trials.

Constitutionality of statutes. Felonious homicide. Right to public office, contempt, and probate.
Non-profit corporation, government, and eminent domain matters.
No Community Courts have been established to date.
Indicates route of appeal.
Court of last resort
[illegible]rmediate [illegible]ppellate courts
Court of general jurisdiction
Courts of limited jurisdiction

PENNSYLVANIA

Court of Last Resort

1.1 SUPREME COURT. Court sessions are held at Philadelphia during winter, spring, and fall; at Harrisburg during spring; and at Pittsburgh during spring and fall.

[Office of the Court Administrator]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in matters involving writs of habeas corpus, mandamus, prohibition, and quo warranto. The court also has exclusive jurisdiction over matters relating to the practice of law. The court may assume plenary jurisdiction over any matter pending before any court if it involves an issue of immediate public importance.

b. The Supreme Court has exclusive jurisdiction over appeals from the general trial courts, i.e., the Court of Common Pleas, in the following matters: felonious homicide, direct criminal contempt, supercession of a district attorney by an Attorney General or by a court, the right to public office, decisions of the Orphans' Court Division, the right of the commonwealth or any of its subdivisions to create or issue indebtedness, and constitutional matters. The court has exclusive jurisdiction over appeals from all final orders of the Commonwealth Court, entered as original decisions in that court. A decision of the Board of Finance and Revenue may be appealed as of right to the Supreme Court from the Commonwealth Court. The Supreme Court may review any decision of the two intermediate appellate courts.

[42 Pennsylvania Consolidated Statutes Annotated (hereinafter Pa. C.S.A.) Sections 721, 722, 723, 724, 726]

1.4 Justices (7)

a. The Chief Justice is the justice longest in continuous service on the court. If two or more justices assume office at the same time, they cast lots for priority of commission. No specified term is set for positions filled by seniority.

b. Supreme Court justices must have been residents of the commonwealth for at least 1 year preceding their selection and must remain residents. They must be members of the bar of the Supreme Court and must be at least 21 years old.

c. Supreme Court justices are elected on partisan ballots at the general election next preceding the commencement of their respective terms. Justices serve 10-year terms. After serving for a full term, a justice may file for retention election on a non-partisan ballot, and, if retained, serves for a regular term. A vacancy is filled by gubernatorial appointment, with the approval of the Senate, except for interim term until next (odd year) election.

[Constitution, Article V, Sections 3, 10, 12, 13, 14, 15; 42 Pa. C.S.A. §325; Court Administrator]

1.5 Administration

a. The Supreme Court exercises administration and supervision over the entire court system through the Chief Justice; the Court Administrator; the president judges of the Superior Court, the Commonwealth Court, the Courts of Common Pleas, the Philadelphia Municipal Court, the Philadelphia Traffic Court, and the Pittsburgh Magistrates Court; administrative judges of the Courts of Common Pleas; and district court administrators. Reference Section 5.1 (General administrative authority). The Chief Justice is the chief administrative officer of the Supreme Court and of the judiciary of Pennsylvania; however, he has no specifically articulated duties with respect to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The prothonotary of the Supreme Court is appointed by and serves at the pleasure of the court. There are no formal provisions for assigning administrative or supervisory duties to the prothonotary.

[42 Pa. C.S.A. §2301; Court Administrator]

1.6 Rule-making. The Supreme Court has the power to prescribe general rules of practice, procedure, and the conduct of all courts. Laws that are inconsistent with such rules are suspended. Such rules, however, must be consistent with the constitution and cannot abridge, enlarge, or modify the substantive rights of any litigant, nor suspend or alter any statute of limitation or repose. Rules cannot be promulgated that affect the right of the General Assembly to determine the jurisdiction of any court. The Supreme Court has the power to prescribe rules for the administration of all courts and supervision of all officers of the judicial branch.

[Const., Art. V, §10].

Intermediate Appellate Courts

2.1.1 SUPERIOR COURT. Sessions of the Superior Court are held at the cities of Harrisburg, Philadelphia, Pittsburgh, and elsewhere as prescribed by general rule or rule of court. Sessions are held as often as its judges deem necessary; there are no terms of court.

[42 Pa. C.S.A. §§324, 543]

2.2.1 Organization. The Supreme Court has ordered that the court sit in panels. However, panel decisions may be reheard by the court en banc if the court so decides. A panel of three judges constitutes a quorum. The prothonotary's offices of each district of the Superior Court are located in Philadelphia, Harrisburg, and Pittsburgh.

[Pa. R.A.P. §§3102, 3502, 3721; Court Administrator]

2.3.1 Jurisdiction

a. The Superior Court has original jurisdiction in mandamus and prohibition to trial courts, and writs of habeas corpus only where such actions are ancillary to those under appellate consideration.

b. The Superior Court has exclusive appellate jurisdiction over final orders of the Courts of Common Pleas, except when such orders are within the exclusive jurisdiction of the Supreme Court or the Commonwealth Court.

[42 Pa. C.S.A. §§741, 742]

2.4.1 Judges (7)

a. The court has a president judge who is the judge longest in continuous service on the court. No specified term is set for positions filled by seniority.

b. Superior Court judges are required to meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Superior Court judges are elected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Pennsylvania Rules of Judicial Administration (hereinafter Pa. R.J.A.) 706; Court Administrator]

2.5.1 Administration

a. The president judge supervises the judicial business of the courts, promulgates all administrative rules and regulations, makes all judicial assignments, and assigns and reassigns available chambers and other physical facilities among the personnel of the courts.

b. There is no provision for an administrator for the Superior Court. Reference Section 5.2.b (state-level administrator).

c. The Superior Court has the authority to appoint a prothonotary and deputy prothonotaries in each location where the court sits. There are no formal provisions for assigning administrative or supervisory duties to prothonotaries.

[42 Pa. C.S.A. §§325(e), 2301; Court Administrator]

2.6.1 Rule-making. The Rules of Appellate Practice govern practice and procedure in the Superior Court. The court may make rules governing its practice so long as these rules are consistent with the Rules of Appellate Practice. Such rules must be filed with the Administrative Office of Pennsylvania Courts after adoption.

[42 Pa. C.S.A. §1722(A)(1); Pa. R.A.P. §§103, 104; Pa. R.J.A. 103; Court Administrator]

2.1.2 COMMONWEALTH COURT. Sessions of the court are held at Harrisburg, the state capital. The court also sits in Philadelphia and Pittsburgh. Sessions are held as often as the judges of the court deem necessary.

[42 Pa. C.S.A. §§324, 563]

2.2.2 Organization. The court may at its discretion sit en banc or in panels.

[Pa. R.A.P. §3721]

2.3.2 Jurisdiction

a. The Commonwealth Court has exclusive jurisdiction in civil actions against the Commonwealth and concurrent jurisdiction in actions by the Commonwealth, except in eminent domain matters. The court has original jurisdiction in cases of mandamus and prohibition to trial courts when such actions are ancillary to matters before the court.

b. With the exception of those cases reserved for the Supreme Court, the Commonwealth Court has exclusive appellate jurisdiction in the following cases from the Courts of Common Pleas:

(1) All criminal actions or proceedings for the violation of any rule, regulation, or order of any administrative agency.

(2) All civil actions to which the Commonwealth is a party, except actions or proceedings in the nature of applications for a writ of habeas corpus or postconviction relief not ancillary to proceedings within the appellate jurisdiction of the court.

(3) All appeals from administrative agencies of the Commonwealth authorized by act of the General Assembly to be determined initially in the Courts of Common Pleas.

(4) All actions or proceedings where the application, interpretation, or enforcement of any act of the General Assembly regulating the affairs of political subdivisions, municipalities, and other local authorities or other public corporations or of the officers, employees, or agents acting in their official capacity, or any home rule charter or local ordinance or resolution is drawn into question.

(5) All appeals from local administrative agencies under the Local Agency Law or otherwise.

(6) All proceedings arising under the Eminent Domain Code or where there is drawn into question the power or right of a condemnor to appropriate the condemned property.

With certain limitations, the court has exclusive jurisdiction over all appeals from administrative agencies of the Commonwealth under the Administrative Agency Law including appeals from the Pennsylvania Public Utility Commission, the Unemployment Compensation Board of Review, and from any department or agency having statewide jurisdiction.

[42 Pa. C.S.A. §§562, 761, 762, 763]

2.4.2 Judges (9)

a. The president judge is elected by the judges of the court for a 5-year term.

b. Commonwealth Court judges are required to meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Commonwealth Court judges are selected in the same manner and for the same term as Supreme Court justices, except that bipartisan membership is required in elections by statute. Reference Section 1.4.c.

[Const., Art. V, §4, 10; 42 Pa. C.S.A. §325; Court Administrator]

2.5.2 Administration

a. The president judge performs the same administrative duties as does the president judge of the Superior Court. Reference Section 2.5.1.a.

b. There is no provision for an administrator for the Commonwealth Court. Reference Section 5.2.b (state-level administrator).

c. The Commonwealth Court has the authority to appoint a prothonotary and deputy prothonotaries in each location where the court sits. There are no formal provisions for assigning administrative or supervisory duties to prothonotaries.

[Pa. R.J.A. 3111]

2.6.2 Rule-making. The Commonwealth Court has the same rule-making authority as the Superior Court. Reference Section 2.6.1.

Court of General Jurisdiction

3.1 COURT OF COMMON PLEAS. The court meets in regular session.

[42 Pa. C.S.A. §911]

3.2 Organization. There are 59 judicial districts; 51 are single county districts and 8 have 2 counties per district. Sessions of the court are held at each county seat. Specialized divisions of the court are created as required. For example, the courts in the two major population centers of the commonwealth are constitutionally divided into the following divisions, unless changed by law: the Court of Common Pleas of Allegheny County, which consists of Civil, Criminal, Orphans', and Family Divisions; and the Court of Common Pleas of Philadelphia County, which consists of Trial, Orphans', and Family Divisions. Separate Orphans' Court Divisions exist in 18 additional Courts of Common Pleas.

[Const., Schedule to Judiciary Article V, §§16, 17; 42 Pa. C.S.A. §911; Court Administrator]

3.3 Jurisdiction

a. The Civil Division of the Court of Common Pleas in Allegheny County handles cases of law.

The Criminal Division in Allegheny County handles all criminal matters, both felony and misdemeanor.

The Trial Division in Philadelphia handles the same cases as are handled in the Civil and Criminal Divisions in the court in Allegheny County except for criminal misdemeanors which are heard in the Philadelphia Municipal Court.

Through the Family Court Divisions, the Court of Common Pleas has jurisdiction over such matters as domestic relations, including desertion or nonsupport of wives; children and indigent parents, including children born out of wedlock; proceedings including habeas corpus, for custody of children; divorce and annulment, and property matters relating thereto. Through the Family Court Division, the Court of Common Pleas also has jurisdiction over juvenile matters, including all matters formerly within the jurisdiction of the Juvenile Court, and adoptions and delayed birth certificates.

The Orphans' Court Division handles probate matters.

In courts that do not have specialized divisions, all of the above jurisdictions are handled by the court as a whole.

b. The Court of Common Pleas has appellate jurisdiction over final orders of specified government agencies, exclusive appellate jurisdiction over orders of the minor judiciary, and power to issue writs of certiorari to the minor judiciary.

[Const., Art. V, §5; 42 Pa. C.S.A. §§931, 932, 933]

3.4 Judges (285)

a. There is no provision for a chief judge over all the judicial districts. There is, however, a president judge for each district. President judges of courts with seven or fewer judges are determined by seniority. In all other courts, the president judge is selected by peer vote. In the event of a tie vote, one of the two judges receiving the highest number of votes is appointed president judge by the Supreme Court. No specified term is set for those positions filled by seniority. President judges who are elected by their peers serve 5-year terms.

b. Court of Common Pleas judges must be members of the bar. For a period of 1 year preceding their election or appointment and during their continuance in office, they must have resided within their respective districts.

c. Court of Common Pleas judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const., Art. V, §§10, 12; 42 Pa. C.S.A. §325]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the Courts of Common Pleas, each Court of Common Pleas district has a president judge. In courts with more than one division, the president judge may make temporary divisional reassignments. Each division of a court having three or more divisions is presided over by an administrative judge, who assists the president judge in supervising and administering the business of the court. Reference Section 4.5.5.a.

b. There is no provision for an administrator over all the Courts of Common Pleas. Subject to the approval of the Supreme Court, the state Court Administrator (reference Section 5.2.b) is empowered to appoint district court administrators, who serve the individual districts. At present there are 44 district court administrators. This appointment authority has been delegated to the president judge of the judicial district. The duties of district court administrators include the following:

(1) Implementation of policies set by the Court Administrator.

(2) Assistance to the Office of the Court Administrator in setting statewide policy.

(3) Preparation, submission, and management of the court's budget.

(4) Recruiting, hiring, training, evaluating, and monitoring personnel of the court.

(5) Management of space, equipment, and facilities of the court.

(6) Dissemination of information concerning, or of interest to, the court.

(7) Procurement of supplies and services.

(8) Custody and disbursement authority over court funds.

(9) Preparation of reports.

(10) Jury management.

(11) Study and improvement of caseflow, time standards, and calendaring.

(12) Mechanization and computerization of court operations, where feasible.

(13) Responsibility for the assignment, listing, and disposition of all arbitration matters.

(14) General supervision of the minor judiciary system of the district.

c. Most Courts of Common Pleas are served by two elected clerks. The prothonotary handles the civil docket, while the clerk of court handles the criminal docket. There are no formal provisions for assigning administrative or supervisory duties to the clerks.

[Pa. R.J.A., 503, 702, 706; Supreme Court Order, dated December 9, 1975; 1975 Report, p. 23; Court Administrator]

3.6 Rule-making. The Court of Common Pleas has authority to establish rules regulating practice and expediting proceedings so long as they are not inconsistent with the general rules of the Supreme Court.

[42 Pa. C.S.A. §323; Pa. R.J.A., 103, 1901]

Courts of Limited or Special Jurisdiction

4.1.1 COMMUNITY COURT. The Community Court has no established terms.

4.2.1 Organization. No Community Court has been established to date. A Community Court may be established in any judicial district by a majority of the voters. The legislature may establish divisions of the court as required.

[Const., Art. V, §6]

4.3.1 Jurisdiction

a. The establishment of a Community Court in a judicial district would supplant the District Justices or the Philadelphia Municipal Court and Philadelphia Traffic Court. (It would not supplant the Pittsburgh Magistrates Court.) The court would have jurisdiction formerly exercised by these courts in the particular judicial district in which it was established (reference Sections 4.3.2.a, 4.3.3.a, and 4.3.5.a).

b. The Community Court has no appellate jurisdiction.

[42 Pa. C.S.A. §1105]

4.4.1 Judges (0)

a. President judges are selected in the same manner and for the same term as president judges in Court of Common Pleas. Reference Section 3.4.a.

b. Community Court judges must be United States citizens and must be residents of the geographical jurisdiction they serve.

c. Community Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

4.5.1 Administration

a. Community Court president judges perform the same administrative duties as Superior Court president judges. Reference Section 2.5.a.

b. There are no provisions for administrators for the Community Court. Reference Section 3.5.b.(14).

c. The clerk of the Community Court has responsibilities as determined by the court.

4.6.1 Rule-making. Each court may make rules of court governing its practice so long as the rules are not inconsistent with the general rules of the Supreme Court. The president judge of each court may promulgate administrative rules and regulations.

[42 Pa. C.S.A. §323; Pa. R.J.A. 103]

b. The Municipal Court has no appellate jurisdiction.

[42 Pa. C.S.A. §§1123, 1123(a)(2); Pennsylvania Rules of Criminal Procedure (hereinafter Pa. R. Crim. P.), Chapter 6000]

4.4.2 Judges (22)

a. The president judge is elected by the judges of the Municipal Court. (In 1978, when the last non-lawyer judge left the Municipal Court bench, the court's president judge could be, and was, selected by election of the court's members rather than appointed by the president judge of the Court of Common Pleas of Philadelphia.) The administrative head of the Municipal Court serves a 5-year term.

b. Municipal Court judges must meet the same qualifications as Court of Common Pleas judges. They must also be admitted to the Pennsylvania Bar. Reference Section 3.4.b.

c. Municipal Court judges are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. After serving 6-year terms, they can file for an unopposed retention election.

[Const., Art. V, §§15, 16(h); Pa. R.J.A. 706; Court Administrator]

4.5.2 Administration

a. The Philadelphia Municipal Court president judge performs the same administrative duties as a president judge of the Superior Court. Reference Section 2.5.a.

b. There is no provision for an administrator for the Philadelphia Municipal Court. Reference Section 3.5.b.(14).

c. Clerks are appointed by the court. There are no formal provisions for assigning administrative or supervisory duties to the clerks.

[42 Pa. C.S.A. §2301]

4.6.2 Rule-making. Every court has power to make such rules and orders of court as the interest of justice or the business of the court may require, provided they are consistent with the general rules of the Supreme Court. The Municipal Court has the power to promulgate administrative rules and regulations.

[42 Pa. C.S.A. §323]

4.1.2 PHILADELPHIA MUNICIPAL COURT. The Philadelphia Municipal Court is in session as often as its judges deem necessary and proper.

[42 Pa. C.S.A. §324]

4.2.2 Organization. Court is held at such locations within the First Judicial District as approved by the president judge. The process of the court extends beyond the territorial limits of the City and County of Philadelphia to the extent necessary by general rule. There are no specialized divisions of the Municipal Court.

[42 Pa. C.S.A. §§1122, 1123; Court Administrator]

4.3.2 Jurisdiction

a. The Municipal Court has jurisdiction in the following matters: committing magistrate's jurisdiction in all criminal matters; all criminal offenses with maximum prison sentence of 5 years, including indictable offenses under the vehicle laws; summary offenses involving a maximum jail sentence of 90 days, except those within the jurisdiction of the Philadelphia Traffic Court; commissioner's jurisdiction to preside at arraignments, fix and accept bail, and issue warrants; landlord-tenant cases; civil cases involving $1,000 or less, in assumpsit, trespass; or for fines and penalties by any government agency.

4.1.3 PHILADELPHIA TRAFFIC COURT. Sessions of the Philadelphia Traffic Court are held as its judges deem necessary and proper.

[42 Pa. C.S.A. §§324, 1332; Court Administrator]

4.2.3 Organization. The Philadelphia Traffic Court (which serves the City and County of Philadelphia) is a constitutionally established court. There are no specialized divisions of the court.

[Const., Art. V., §§1, 6; 42 Pa. C.S.A. §§1301, 1302, 1321, 1331]

4.3.3 Jurisdiction

a. The Traffic Court has jurisdiction over all summary offenses arising under the State Vehicle Code and also over violations of all ordinances enacted pursuant to that code. This jurisdiction is exclusive in Philadelphia.

b. The Philadelphia Traffic Court has no appellate jurisdiction.

[42 Pa. C.S.A. §§1302, 1321]

4.4.3 Judges (6)

a. The president judges are appointed by and serve at the pleasure of the Governor.

b. Philadelphia Traffic Court judges must be United States citizens and must have resided in the city for at least 1 year prior to assuming office.

c. Philadelphia Traffic Court judges are elected. After serving 6-year terms, they can file for an unopposed retention election.

[Const., Art. V, §§10, 12, 13, 15; 42 Pa. C.S.A. §2131 to §2135]

4.5.3 Administration

a. Each multi-judge Traffic Court is required to have a president judge. Traffic Court president judges perform the same duties as Superior Court president judges. Reference Section 2.5.a.

b. There are no provisions for administrators for the Traffic Court. Reference Section 3.5.b.(14).

c. Clerks are appointed by the court. There are no formal provisions for assigning administrative or supervisory duties to the clerks.

[Const., Art. V, §10; 42 Pa. C.S.A. §2301]

4.6.3 Rule-making. Traffic Courts may promulgate procedural rules, provided that they are consistent with Supreme Court rules. The president judge of a Traffic Court may promulgate administrative rules and regulations.

[42 Pa. C.S.A. §323; Pa. R.J.A. 103]

4.1.4 PITTSBURGH MAGISTRATES COURT. The Pittsburgh Magistrate Court, with magistrates serving by assignment, is open at such times as are designated by Pittsburgh city ordinance or prescribed by general rule. (Reference Section 4.3.5.a)

[42 Pa. C.S.A. §324]

4.2.4 Organization. The Pittsburgh Magistrates Court is established by law. Court locations are designated by city ordinance. There are no provisions for specialized divisions of the court. When hearing traffic cases, this court is known as the Pittsburgh Traffic Magistrates Court.

[42 Pa. C.S.A. §1331]

4.3.4 Jurisdiction

a. The Pittsburgh Magistrates Court has jurisdiction over all ordinance violations. When sitting as Traffic Court, it has jurisdiction over all summary offenses arising under the Vehicle Code. Its civil jurisdiction extends to those claims for the recovery of fines and penalties imposed by ordinance. It may also hold preliminary hearings and commit to jail, bind over for trial, or discharge the accused person. When the Pittsburgh Traffic Magistrates Court is closed, the District Justice Court in Pittsburgh has concurrent jurisdiction over traffic and ordinance violations.

b. The Pittsburgh Magistrates Court has no appellate jurisdiction.

[42 Pa. C.S.A. §1143]

4.4.4 Judges (6)

a. The president judge of Pittsburgh Magistrates Court is designated by the mayor for a 4-year term.

b. Pittsburgh Magistrates Court judges must meet the same qualifications as Traffic Court judges. Reference Section 4.4.3.b. In addition, the judges cannot all be of the same party.

c. Pittsburgh Magistrates Court judges are appointed by the mayor with the approval of the City Council. Judges serve for the term of the appointing mayor (4 years).

[42 Pa. C.S.A. §§1331, 1332(d), 3152; Court Administrator]

4.5.4 Administration

a. As a multi-judge court, the Pittsburgh Magistrates Court has a presiding magistrate.

b. There is no provision for an administrator for the Pittsburgh Traffic Court. Reference Section 3.5.b.(14).

c. Clerks are appointed by the court. There are no formal provisions for assigning administrative or supervisory duties to the clerks.

[Const., Art. V, §10; 42 Pa. C.S.A. §2301; Presiding Magistrate]

4.6.4 Rule-making. The Pittsburgh Magistrates Court has the same rule-making authority as the Philadelphia Traffic Court. Reference Section 4.6.3.

4.1.5 DISTRICT JUSTICE COURT (all counties except Philadelphia). The District Justice Court meets in facilities provided by the county. Its sessions are generally suited to the volume of work in its magisterial district and to its convenience, except that one district judge is available at all times in each district.

[42 Pa. C.S.A. §1514; Pa. R. Crim. P., 23(a)]

4.2.5 Organization. Magisterial districts are determined by a statutory formula based on population and population density. In every year following the federal census, the number, boundaries, and classes of magisterial districts are reestablished by the Supreme Court, or by the Court of Common Pleas of the district under the direction of the Supreme Court. There are no specialized divisions of the court.

[42 Pa. C.S.A. §1503]

4.3.5 Jurisdiction

a. Except as otherwise provided, district justices have jurisdiction in summary offenses, except those within the jurisdiction of a Traffic Court; in landlord-tenant matters; and in civil claims of $2,000 or less, in assumpsit, trespass; and fines and penalties by any government agency. They also preside at arraignments, fix and accept bail, and perform similar duties. District justices may hear most misdemeanors of the third class, if the defendant pleads guilty, personal injury and/or property damage is less than $100, and the misdemeanor is not a result of a reduced charge.

b. The District Justice Court has no appellate jurisdiction.

[42 Pa. C.S.A. §1515(a)]

4.4.5 Judges (555)

a. The District Justice Court does not have a presiding judge.

b. District justices must meet the same qualifications as Traffic Court judges. Reference Section 4.4.3.b.

c. District justices are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. After serving 6-year terms, they may not, however, file for a retention election, but must run in a bi-partisan election for a new 6-year term.

[Const., Art. V, §15; Court Administrator]

4.5.5 Administration

a. There are no provisions for presiding judges for the District Justice Court. The president judge of the Court of Common Pleas exercises general supervision and administrative control over justices of the peace and constables within his judicial district.

b. There are no provisions for administrators for the District Justice Court; however, the state Court Administrator is empowered to appoint district court administrators. The administrator/coordinators who are appointed are responsible for the general supervision of the minor judiciary system of the district. Reference Section 3.5.b.(14).

c. Clerks are appointed by the court. There are no formal provisions for assigning administrative duties to the clerks.

[42 Pa. C.S.A. §2301; *Rules Governing Standards of Conduct of Justices of the Peace*, No. 17; Court Administrator]

4.6.5 Rule-making. The Supreme Court has the power to prescribe general rules governing practice, procedure, and the conduct of District Justice Courts.

[Const., Art. V, §10]

State-Level Administration

5.1 General administrative authority. The Supreme Court exercises general supervisory and administrative authority over all the courts and justices of the peace, including authority to temporarily assign judges and justices of the peace from one court or district to another. In addition, the Supreme Court may delegate supervisory and administrative powers, appoint and remove district court administrators and other personnel, and provide for the assignment of classes of matters among the courts. The Chief Justice, with the assistance of the State Court Administrator, assigns retired judges to temporary service. The Chief Justice and the Governor jointly approve the size, character, quantity, and methods of distribution of the various publications to be printed for the use of the judicial department. The Chief Justice presides over the trial of any contested election of the Governor or lieutenant governor. Reference Section 1.5.a.

[Const., Art. IV, §17, Art. V, §10; 42 Pa. C.S.A. §503; 71 Pennsylvania Statutes §636; Pa. R.J.A., 503, 701]

5.2 Office of the Court Administrator

a. The Administrative Office of the Pennsylvania Courts is established by the constitution.

b. Court Administrator

(1) The Court Administrator is a constitutional officer.

(2) Formal qualifications for the Court Administrator have not been prescribed by statute or court rule. The Court Administrator is appointed by the Supreme Court. He serves at the pleasure of the court.

(3) Under the supervision of the Supreme Court, and to a certain extent the Judicial Council, the Court Administrator performs the following functions:

(a) Maintenance of centralized personnel records for state-paid court personnel.

(b) Financial administration of the judicial system, including budget preparation and presentation.

(c) Management of the system's educational and training programs.

(d) Supervision of administrative and business matters relating to offices of prothonotaries and clerks, including the institution of uniform procedures.

(e) Review of the operations of the system and submission of recommendations for change.

(f) Representation of the judicial system before the General Assembly.

(g) Collection of statistical and financial information and preparation of required reports.

The Court Administrator also serves as the secretary and chief administrative officer of the Judicial Council. Reference Table 29: Judicial councils and conferences.

c. Office organization. The office has its headquarters in Philadelphia. However, its fiscal office is located in Harrisburg. The Administrative Office of the Pennsylvania Courts consists of 52 people: 27 professionals (including the Court Administrator) and 25 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, and computer operations; court coordination, facilities management, and other court services; payroll, accounting, and budgeting; education and training; personnel systems and office management; legislative, executive, public, and media information; legislative and executive liaison; and planning and research activities including statistical compilation, judicial planning, research, statistical analysis, and legal services. Legal counsel to the Court Administrator provides legal representation for state judges if they are sued in their official capacity. The department also monitors legislation in terms of its effect on the judicial branch and its relationship to present statutory law. The legal staff consists of two full-time attorneys and several part-time law students.

[Const., Art. V, §§10, 10(b); Pa. R.J.A. 302, 501, 502, 504; *1975 Report*, p. 13; 42 Pa. C.S. 1902; Court Administrator]

Quasi-Judicial Officers

6.1.1 TRIAL COURTS
6.2.1 Master

a. Qualifications and selection are left to the discretion of the appointing court.

b. Duties are left to the discretion of the appointing court.

[Divorce Act 26-A, 1980]

6.1.2 TRIAL COURTS
6.2.2 Commissioner

a. Qualifications and selection are left to the discretion of the appointing court.

b. Duties are left to the discretion of the appointing court.

[Court Administrator]

6.1.3 TRIAL COURTS
6.2.3 Referee

a. Qualifications and selection are left to the discretion of the appointing court.

b. Duties are left to the discretion of the appointing court.

[Court Administrator]

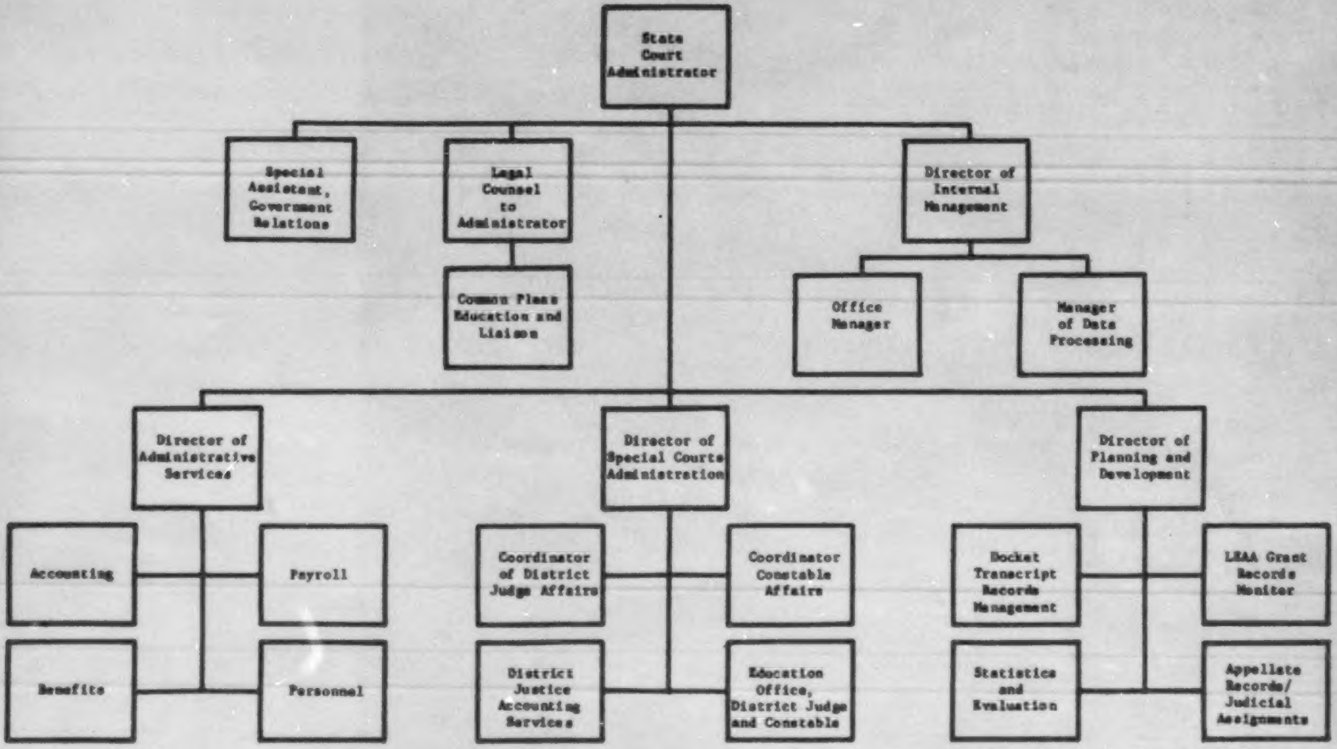
6.1.4 TRIAL COURTS
6.2.4 Arbitrator

a. Arbitrators must be attorneys. Any further qualifications are imposed by local rule. In most counties, arbitrators are selected from lists of volunteers, either randomly or by alphabet.

b. Arbitrators determine disputes in arbitration. The monetary amount varies between $2,000 and $20,000.

[42 Pa. C.S.A. §7361; Court Administrator]

Figure 2: Pennsylvania state-level administrative office of the courts, 1980


State Court Administrator
Special Assistant, Government Relations
Legal Counsel to Administrator
Common Pleas Education and Liaison
Director of Internal Management
Office Manager
Manager of Data Processing
Director of Administrative Services
Accounting
Payroll
Benefits
Personnel
Director of Special Courts Administration
Coordinator of District Judge Affairs
Coordinator Constable Affairs
District Justice Accounting Services
Education Office, District Judge and Constable
Director of Planning and Development
Docket Transcript Records Management
LEAA Grant Records Monitor
Statistics and Evaluation
Appellate Records/ Judicial Assignments

Judicial Discipline

7.1 Judicial Inquiry and Review Board. The Judicial Inquiry and Review Board has nine members: three judges of the Court of Common Pleas and two judges of the Superior Court, all appointed by the Supreme Court; two nonjudge members of the bar, appointed by the Governor; and two nonlawyer voters, appointed by the Governor.
[Const., Art. V, §18]

7.2 Authority and Procedure for Sanction. Judges may be impeached for misbehavior in office. Judges of courts not of record can be removed by the Governor for good cause, after due notice and full hearing, on address of two-thirds of the Senate. The Supreme Court may order the suspension, removal, discipline, or compulsory retirement of any judge following a hearing by the Judicial Inquiry and Review Board. The board investigates complaints concerning justices or judges and may conduct a hearing following the investigation. If it finds cause, the board recommends to the Supreme Court the suspension, removal, discipline, or compulsory retirement of the justice or judge. The Supreme Court may hear additional evidence before issuing its order.
[Const., Art. V, §§8, 18, Art. VI, §§6, 7]

RHODE ISLAND

Court of Last Resort

1.1 SUPREME COURT. The court sits in Providence, but may hold sessions at other places in the state. The court is in session from the first Monday of October until the second Monday of July, and at other times as the court deems proper.

[General Laws of Rhode Island, 1956, (hereinafter G.L.R.I.) Section 8-7-1]

1.2 Organization. The Supreme Court does not sit in panels.

1.3 Jurisdiction

a. The Supreme Court is empowered to issue prerogative writs and has other original jurisdiction as granted by law. The court must rule on any question of law when requested by the Governor or either house of the General Assembly.

b. The Supreme Court has final revisory and appellate jurisdiction over all questions of law and equity. The court has jurisdiction in petitions for trials and new trials, appeals and certifications to the court, and in special cases in which parties having adversary interests concur in stating questions for the opinion of the court.

[Constitution, Article XII, Sections 1, 1.2; G.L.R.I. §8-1-2]

1.4 Justices (5)

a. The Chief Justice is appointed by the state legislature and serves an indefinite term.

b. Supreme Court justices must be citizens of the United States, must be at least 21 years of age, and must have been a state resident for 2 years.

c. Supreme Court justices are appointed by the state legislature in grand committee and hold office until their offices are declared vacant by a majority resolution of the General Assembly.

[Const., Art. X, §4]

1.5 Administration

a. The Chief Justice is the executive head of the judicial system. He exercises administrative supervision over the entire court system through the State Court Administrator; the presiding justice and the administrative clerk of the Superior Court; the chief judge, administrative judge, and administrator of the Family Court; and the chief judge and administrative assistant of the District Court. Reference Section 5.1 (General administrative authority). The Chief Justice has administrative duties to perform for the Supreme Court; however, the individual justices retain complete authority over their law clerks and secretaries.

b. Reference Section 5.2.b (state-level administrator).

c. The position of clerk of the Supreme Court is authorized by statute. The clerk is appointed by the Governor, with the advice and consent of the Senate, and serves a 5-year term. There are no formal qualifications for the position and no formal provisions for assigning administrative duties to the clerk. He supervises a chief deputy and two appeals clerks and has responsibilities as determined by the court.

[G.L.R.I. §§8-4-1, 8-4-2, 8-15-2; State Court Administrator]

1.6 Rule-making. By statute, the Supreme Court, Superior Court, Family Court, and the District Court have the power to make rules for regulating practice and procedure therein. These rules are subject to approval of the Supreme Court and, when in effect, supersede any statutory regulations that may conflict. The Supreme Court is also empowered to make rules for regulating the business of the court. The Supreme Court does not make administrative rules for other courts.

[G.L.R.I. §8-6-2; State Court Administrator]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Rhode Island.

Court of General Jurisdiction

3.1 SUPERIOR COURT. The court sits in Providence and Bristol Counties (which is considered one judicial jurisdiction), Newport, Kent, and Washington Counties. Terms are defined by statute.

[G.L.R.I. §§8-2-3, 8-2-12, 8-7-2]

3.2 Organization. The Superior Court sits in four locations.

[G.L.R.I. §8-2-12]

3.3 Jurisdiction

a. The Superior Court has original jurisdiction in all crimes, misdemeanors, and offenses, except as otherwise provided by law. All indictments found by grand juries are returned to the Superior Court. The court has original civil jurisdiction in actions involving real estate and in cases where the amount in controversy exceeds a dollar amount of $5,000.

b. The Superior Court has appellate jurisdiction as provided by law. The court hears appeals from the District and Probate Courts.

[G.L.R.I. §§8-2-14, 8-2-15, 8-2-17]

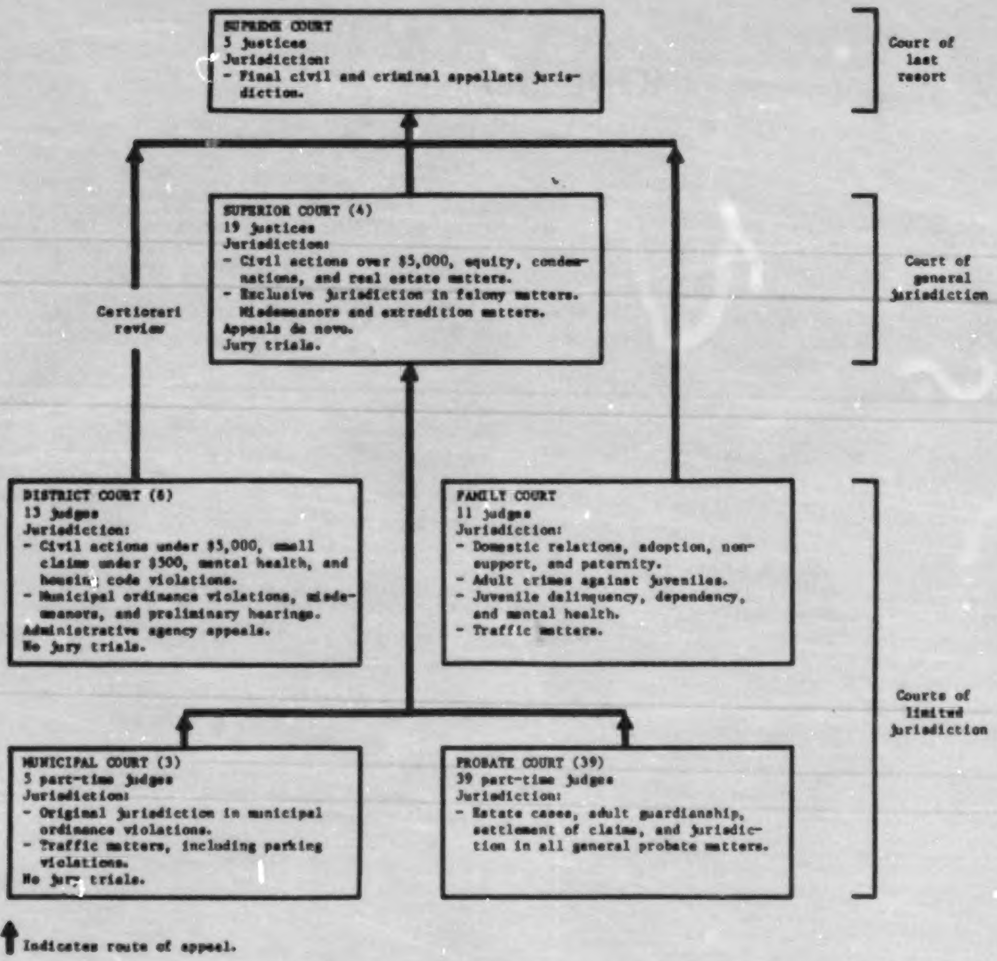
3.4 Justices (19)

a. The presiding justice over all the Superior Courts is appointed by the Governor and confirmed by the legislature, and serves indefinitely during good behavior. There are no provisions for presiding justices for the individual Superior Courts.

b. Superior Court justices must be citizens of the United States, must be admitted to the Rhode Island Bar, and must be at least 21 years of age.

c. Superior Court justices are appointed by the Governor, subject to legislative confirmation, to fill vacancies in the court, and serve indefinitely during good behavior.

Figure 1: Rhode Island court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Final civil and criminal appellate jurisdiction.

SUPERIOR COURT (4)
19 justices
Jurisdiction:
- Civil actions over $5,000, equity, condemnations, and real estate matters.
- Exclusive jurisdiction in felony matters. Misdemeanors and extradition matters.

Appeals de novo.
Jury trials.

DISTRICT COURT (6)
13 judges
Jurisdiction:
- Civil actions under $5,000, small claims under $500, mental health, and housing code violations.
- Municipal ordinance violations, misdemeanors, and preliminary hearings.

Administrative agency appeals.
No jury trials.

FAMILY COURT
11 judges
Jurisdiction:
- Domestic relations, adoption, nonsupport, and paternity.
- Adult crimes against juveniles.
- Juvenile delinquency, dependency, and mental health.
- Traffic matters.

MUNICIPAL COURT (3)
5 part-time judges
Jurisdiction:
- Original jurisdiction in municipal ordinance violations.
- Traffic matters, including parking violations.

No jury trials.

PROBATE COURT (39)
39 part-time judges
Jurisdiction:
- Estate cases, adult guardianship, settlement of claims, and jurisdiction in all general probate matters.

↑ Indicates route of appeal.

[G.L.R.I. §8-2-2; State Court Administrator]

3.5 Administration

a. The presiding justice over all the Superior Courts is the administrative head of the Superior Court and has control of court calendars and the assignment of justices. The presiding justice is also responsible for the collection of court statistics and has general supervisory control over all court stenographers and secretaries. He is responsible for making recommendations to the Chief Justice regarding any matters concerning the Superior and District Courts. There are no provisions for presiding justices for the individual Superior Courts.

b. The position of administrative clerk over all the Superior Courts is authorized by statute. The administrative clerk performs duties as assigned by the presiding justice. There are no provisions for administrators for the individual Superior Courts.

c. Clerks of the Superior Court are appointed by the Governor to 5-year terms. There are no formal provisions for assigning administrative duties to the clerk. Each of the clerks supervises a number of deputy and assistant clerks and has responsibilities as determined by his respective court.

[G.L.R.I. §§8-2-4, 8-2-6, 8-2-11; State Court Administrator]

3.6 Rule-making. The Superior Court may make rules for the regulation of practice, procedure, and the business of the court, subject to the approval of the Supreme Court. These rules supersede any statutory regulations that may conflict.

[G.L.R.I. §8-6-2]

Courts of Limited or Special Jurisdiction

4.1.1 FAMILY COURT. The Family Court sits in continuous session.

[G.L.R.I. §§8-7-10, 8-10-24]

4.2.1 Organization. There are no geographical divisions of the Family Court. Each Family Court has an intake department to receive applications and complaints relating to juvenile matters and to conduct investigations and report findings to the court. The unit reviews the situation of juveniles before the court makes a determination regarding detention.

[G.L.R.I. §§8-10-17, 8-10-22]

4.3.1 Jurisdiction

a. The Family Court has jurisdiction in all petitions for divorce, support and alimony matters, and child custody disputes. The court also has jurisdiction over delinquent juveniles, neglected or mentally defective children, paternity disputes, and adoptions.

b. The Family Court has no appellate jurisdiction.

[G.L.R.I. §8-10-3]

4.4.1 Judges (11)

a. The Governor appoints the chief judge over all the Family Courts and submits the appointment to the Senate for confirmation. The appointment is for life. The chief judge designates one member of the court as administrative judge.

b. Family Court judges must be citizens of the United States and must be at least 21 years old.

c. Family Court judges are appointed by the Governor, who submits the appointment to the Senate for confirmation. Judges hold office for life during good behavior.

[G.L.R.I. §8-10-11; Courts of Limited Jurisdiction, p. 323; State Court Administrator]

4.5.1 Administration

a. The chief judge has supervisory control of calendars and the assignment of judges. All court personnel are responsible to the chief judge. The administrative judge assists the chief judge with court administration.

b. The position of administrator is authorized by statute. The chief judge of the Family Court appoints an individual to serve at his pleasure. The administrator prepares the court budget, collects statistics and prepares the annual report, supervises court staff and all fiscal matters, and performs duties as assigned by the chief judge. There are no provisions for administrators for the individual Family Courts.

c. The office of Family Court clerk is incorporated in the office of Family Court administrator.

[G.L.R.I. §§8-10-14, 8-10-15; State Court Administrator]

4.6.1 Rule-making. The Family Court may make rules for the regulation of practice, procedure, and the business of the court, subject to the approval of the Supreme Court. These rules supersede any statutory regulations that may conflict.

[G.L.R.I. §8-6-2]

4.1.2 DISTRICT COURT. The court sits in continuous session for the transaction of business.

[G.L.R.I. §8-8-13]

4.2.2 Organization. The seat of court for each district is determined by the chief judge. The state is divided into eight geographical divisions. There are no specialized divisions of the court.

[G.L.R.I. §8-8-2]

4.3.2 Jurisdiction

a. The District Court has jurisdiction as may be conferred by law over offenses against the ordinances of cities and towns. It has original jurisdiction over offenses punishable by a fine not exceeding $500 or by imprisonment not exceeding 1 year. The court also has jurisdiction over all cases at law where the amount in controversy does not exceed a dollar amount of $5,000. In addition, the District Court has jurisdiction in actions for possession of tenements or estates let, and in actions of replevin involving a dollar amount less than $5,000. The court has no jurisdiction in cases of equity but may issue writs of habeas corpus.

b. The District Court has appellate jurisdiction over certain administrative agency decisions.

[G.L.R.I. §§8-8-3, 8-8-4, 12-3-1, 42-35-15]

4.4.2 Judges (13)

a. The Governor appoints the chief judge over all the districts of the District Court with the advice and consent of the Senate. The appointment is for life. There are no provisions for chief judges for the individual districts.

b. District Court judges must be members of the state bar.

c. District Court judges are appointed by the Governor with the advice and consent of the Senate. They hold office for life during good behavior.

[G.L.R.I. §8-8-7; State Court Administrator]

4.5.2 Administration

a. The chief judge of the District Court must report annually to the Chief Justice of the Supreme Court regarding the business of the court. He presides over the District Court Conference (a yearly meeting of all District Court judges), supervises the collection and publication of court statistics, assigns vacations for District Court judges, and assigns judges to serve in divisions. The chief judge is responsible for promulgating rules relating to licensed constables. There are no provisions for chief judges for the individual districts.

b. There is an administrative assistant appointed by the chief judge under the general statutory provisions on internal court administration. He exercises authority as delegated by the chief judge. There are no provisions for administrators for the individual districts.

c. The position of chief clerk of the District Court is authorized by statute. The chief clerk has general supervisory power over all the clerks of the court and is responsible to the chief judge for the proper and efficient operation of the court. The chief clerk may transfer clerks when necessary, and must systematize all record keeping throughout the court. The collection of court statistics is a responsibility of the chief clerk.

[G.L.R.I. §§8-8-12, 8-8-15, 8-8-19, 8-8-21, 8 15-6; State Court Administrator]

4.6.2 Rule-making. The District Court may make rules for the regulation of practice, procedure, and the business of the court, subject to the approval of the Supreme Court. These rules supersede any statutory regulations that may conflict.

[G.L.R.I. §8-6-2]

4.1.3 PROBATE COURT. Terms of the Probate Court vary among the 39 different jurisdictions. Most are in session once each month.

[State Court Administrator]

4.2.3 Organization. The Probate Court is established in the individual cities and towns. In some cities or towns, the City Council or Town Council is authorized to sit as the Probate Court. The council may appoint annually a member of the state bar to be available to sit as a judge of the Probate Court. Whenever a party to any contested matter so requests, the Town Council designates the said appointee to sit as a judge to hear the contested matter. In towns where the council does not serve as the court, the Probate Court judge hears all matters, not just contested cases. There are no specialized divisions of the court.

[G.L.R.I. §§8-9-2, 8-9-9; State Court Administrator]

4.3.3 Jurisdiction

a. The Probate Court has jurisdiction in the probate of wills, the administration of estates, adult guardianship, settlement of claims, and all general probate jurisdiction.

b. The Probate Court has no appellate jurisdiction.

[G.L.R.I. §8-9-9]

4.4.3 Judges (39 part-time)

a. The Probate Court does not have presiding judges.

b. A Probate Court judge must be a member of the bar and generally serves a 2-year term, but this varies from town to town.

c. Vacancies in the office of Probate Court judge are filled by appointment by the Town or City Council.

[G.L.R.I. §§8-9-2.1, 8-9-2.3; State Court Administrative Office. See also local home rule chararters.]

4.5.3 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. The town or city clerks act as clerks of the Probate Court. The clerks have no formal administrative responsibilities or informal supervisory duties.

[G.L.R.I. §8-9-6; State Court Administrator]

4.6.3 Rule-making. General laws dictate the procedure for the Probate Court, but the individual cities and towns are allowed considerable liberty in making rules for the Probate Court.

[G.L.R.I. §§8-9-1, 8-9-2]

4.1.4 MUNICIPAL COURT. The Municipal Court in Providence sits in continuous session. Municipal Courts outside of Providence meet once a week or once every other week.

[State Court Administrator]

4.2.4 Organization. Municipal Courts are established by Home Rule Charter in the cities of Providence and Pawtucket. A Municipal Court is also authorized in Warwick County.

[G.L.R.I. §45-2-19]

4.3.4 Jurisdiction

a. The Municipal Court has original jurisdiction in municipal ordinance violations. The court primarily handles parking violations.

b. The Municipal Court has no appellate jurisdiction.

[Courts of Limited Jurisdiction: A National Survey, pp. 326-327]

4.4.4 Judges (5 part-time)

a. The Municipal Court does not have presiding judges.

b. Qualifications are established locally for Municipal Court judges.

c. Municipal Court judges are appointed by the City Council for 2-year terms.

[Courts of Limited Jurisdiction, p. 326]

4.5.4 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court.

c. The clerk has responsibilities as determined by the court.

[State Court Administrator]

4.6.4 Rule-making. Procedure in the Municipal Court is handled on an ad hoc basis.

State-Level Administration

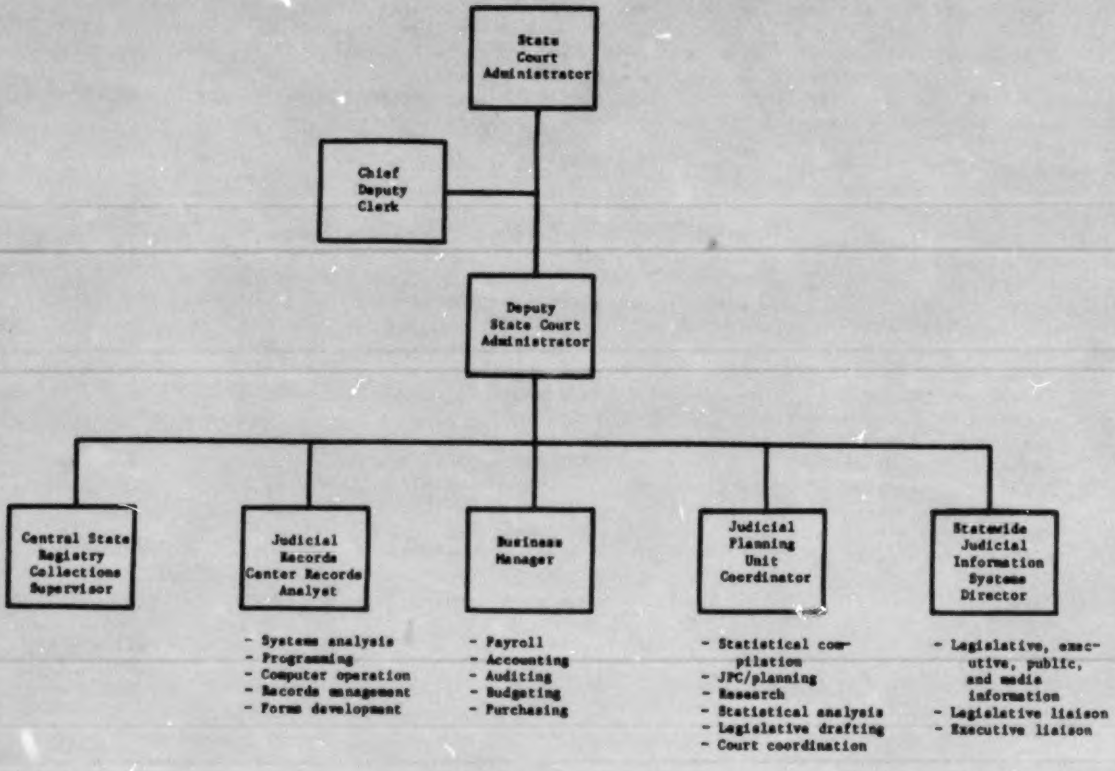
5.1 General administrative authority. The Chief Justice is the executive head of the Rhode Island judicial system. The Supreme Court has general supervision over all trial courts in the state. The Chief Justice may temporarily assign judges to sit on different courts in order to facilitate court business. In addition, the Chief Justice appoints the State Court Administrator and administrative staff and an advisory board as he deems necessary to assist him in administrative matters. Reference Section 1.5.a.

[G.L.R.I. §8-15-2 to §8-15-5]

5.2 Office of the State Court Administrator

a. There is no specific authorization for the administrative office.

Figure 2: Rhode Island state-level administrative office of the courts, 1980


State Court Administrator
Chief Deputy Clerk
Deputy State Court Administrator
Central State Registry Collections Supervisor
Judicial Records Center Records Analyst
Business Manager
Judicial Planning Unit Coordinator
Statewide Judicial Information Systems Director
- Systems analysis
- Programming
- Computer operation
- Records management
- Forms development
- Payroll
- Accounting
- Auditing
- Budgeting
- Purchasing
- Statistical compilation
- JPC/planning
- Research
- Statistical analysis
- Legislative drafting
- Court coordination
- Legislative, executive, public, and media information
- Legislative liaison
- Executive liaison

b. State Court Administrator

(1) The position of State Court Administrator is established by statute.

(2) There are no formal qualifications for the position. The State Court Administrator is appointed by the Chief Justice and serves at his pleasure.

(3) The State Court Administrator prepares an annual budget for the judicial system, presents an annual report on the status of the courts' business, and performs all other administrative duties as assigned by the Chief Justice.

c. Office organization. The Office of the State Court Administrator consists of 32 people: 27 professionals (including the State Court Administrator) and 5 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, and forms development; court coordination, facilities management, security coordination, and other court services; payroll, accounting, auditing, budgeting, and purchasing; education, training, library, and publications; personnel systems; legislative, executive, public, and media information, legislative liaison, and executive liaison; and planning and research activities, which include statistical compilation, judicial planning, research, statistical analysis, and legislative drafting.

[G.L.R.I. §8-15-4; State Court Administrator]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT
6.2.1 Master in chancery

a. Masters in chancery may be appointed by the Superior Court, and serve at its pleasure.

b. Masters in chancery have responsibilities as assigned, generally in divorce matters.

[G.L.R.I. §9-15-19; State Court Administrator]

6.1.2 FAMILY COURT
6.2.2 Master

a. Masters may be appointed by the chief judge of the Family Court. Masters must be lawyers, and they serve at the pleasure of the court.

b. Masters assist the court in matters pertaining to delinquent support payments.

[G.L.R.I. §8-10-3]

6.1.3 DISTRICT COURT
6.2.3 Bail Commissioners

a. Bail Commissioners are appointed by the chief judge of the District Court. They must be members of the bar of the state of Rhode Island.

b. Bail commissioners are justices of the peace who are authorized to take bail in all complaints bailable before a division of the District Court and, in default of bail, commit to an adult correctional institution all respondents arrested on such complaints.

Judicial Discipline

7.1 Commission on Judicial Tenure. The commission consists of 13 members. Three nonspecific members and three lawyer members are selected by the Governor with the approval of the Senate. Three members of the legislature (two from the House of Representatives and one from the Senate) are selected by the Speaker of the House and the Senate Majority Leader, respectively. At least one legislative member must be a member of the minority party. Four members of the judiciary are selected by the Supreme Court to be on the commission. The judicial members include one judge each from the Superior, Family, and District Courts, and one judge from any court, who serves as chairman of the commission.

[G.L.R.I. §8-16-1]

7.2 Authority and procedure for sanction. The commission investigates charges of judicial unfitness and determines if the charge is sufficient to order hearings. The judge may have counsel and may cross-examine witnesses and present a defense if he chooses. All matters before the commission are kept confidential unless the judge involved requests that they be made public. Upon completion of the hearings, the commission may dismiss the case or may make recommendations to the Supreme Court for reprimand, suspension, retirement, or removal of the judge. The Supreme Court reviews the recommendations of the commission and may take action as necessary. When the commission recommends removal of a Supreme Court justice, the Supreme Court must transmit findings and recommendations to the House where impeachment proceedings begin pursuant to Article X, Section 4 and Article XI of the state constitution.

[G.L.R.I. §8-16-4, §8-16-7]

SOUTH CAROLINA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in Columbia and generally holds at least nine terms per year. A new term commences on the second Monday of each month except July, August, and September

[Code of the Laws of South Carolina (hereinafter Code) Section 14-3-610; Director, Court Administration]

1.2 Organization. The Supreme Court does not sit in panels or divisions. A quorum of three justices is required to transact the business of the court.

[Constitution, Article V, Section 2]

1.3 Jurisdiction

a. The Supreme Court has the jurisdiction to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other remedial original writs.

b. The Supreme Court has appellate jurisdiction in all chancery cases for both questions of law and fact. In law cases, the Supreme Court can hear appeals from the Court of Appeals (when implemented) but only through the granting of a writ of certiorari. Death sentences are appealed directly to the Supreme Court.

[Code §§14-3-310, 14-3-320, 14-3-330, 14-8-200, 14-8-210]

1.4 Justices (5)

a. The Chief Justice is designated on his selection to the court and serves his entire term of 10 years.

b. Supreme Court justices must be citizens of the United States and South Carolina, must have been residents of the state for 5 years, must be attorneys with 5 years of experience, and must be at least 26 years old.

c. Supreme Court justices are elected to 10-year terms by the joint public vote of the General Assembly.

[Const., Art. V, §§3, 11; Code §14-3-10; Director, Court Administration]

1.5 Administration

a. The Chief Justice is the administrative head of the judicial system. He exercises administration and supervision over the entire court system through the Director of the Office of South Carolina Court Administration and the chief judges of the Circuit Court, Family Court, and judges of the Magistrate's Court. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The court appoints a clerk to a 4-year term. He is charged with keeping records and providing copies upon request.

[Code §§14-3-80, 14-3-130; Director, Court Administration]

1.6 Rule-making. The constitution gives the Supreme Court the power to promulgate rules of practice, procedure, and administration for all courts in the state.

[Const., Art. V, §4]

Intermediate Appellate Court

Implementation of an intermediate appellate court in South Carolina is anticipated for October 1, 1981. The court was not yet active during 1980, but a description of its anticipated structure and function is included here.

[Director, Court Administration]

2.1 COURT OF APPEALS. The court sits in Columbia for nine terms per year. Terms commence on the fourth Monday of each month except July, August, and September.

[Code §14-8-400]

2.2 Organization. The court does not sit in panels or divisions. Three judges constitute a quorum. The concurrence of three is necessary for the reversal of any judgment. The court has statewide jurisdiction.

[Code §14-8-10]

2.3 Jurisdiction

a. The Court of Appeals has the authority to grant injunctions and issue original remedial writs for the proper exercise of its jurisdiction.

b. The Court of Appeals has appellate jurisdiction over all criminal cases appealed from the Circuit Court and Family Court and in postconviction proceedings, except where the death penalty has been imposed.

[Code §§14-8-200, 14-8-210, 14-8-220]

2.4 Judges (5)

a. The chief judge is designated upon his selection to the court and serves his entire term of 6 years.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices (reference Section 1.4.b) and must be approved by the Legislative Screening Committee of the General Assembly, although the Committee's findings are not binding on the General Assembly.

c. Court of Appeals judges are elected to 6-year terms by joint public vote of the General Assembly.

[Code §§14-8-20, 14-8-30; Director, Court Administration]

2.5 Administration

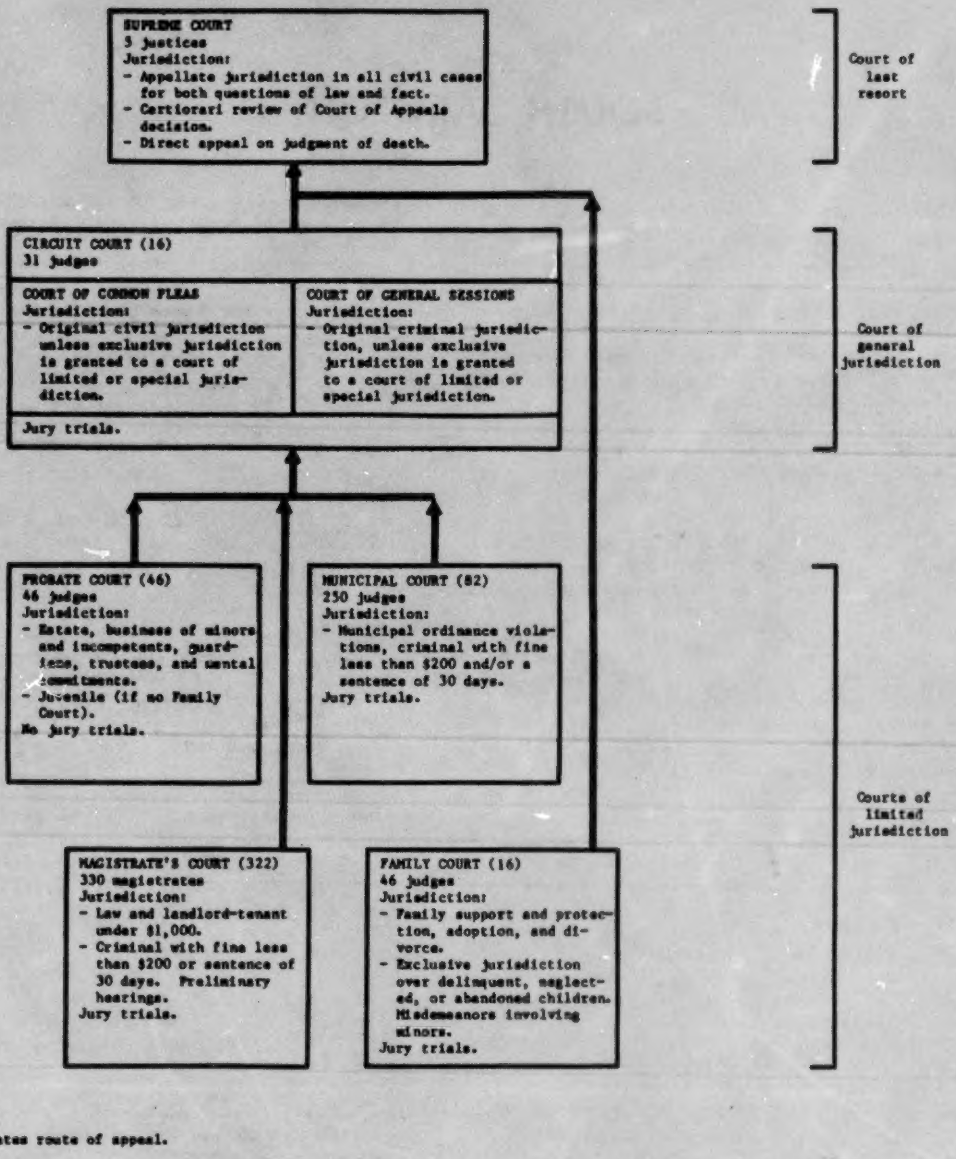
a. The chief judge has no specifically articulated duties with regard to the administration of the Court of Appeals.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The court appoints a clerk to a 4-year term. The office is charged with the maintenance and distribution of court records.

[Code §14-8-140]

Figure 1: South Carolina court system, 1980


SUPREME COURT
5 justices
Jurisdiction:
- Appellate jurisdiction in all civil cases for both questions of law and fact.
- Certiorari review of Court of Appeals decision.
- Direct appeal on judgment of death.
Court of last resort
CIRCUIT COURT (16)
31 judges
COURT OF COMMON PLEAS
Jurisdiction:
- Original civil jurisdiction unless exclusive jurisdiction is granted to a court of limited or special jurisdiction.
COURT OF GENERAL SESSIONS
Jurisdiction:
- Original criminal jurisdiction, unless exclusive jurisdiction is granted to a court of limited or special jurisdiction.
Jury trials.
Court of general jurisdiction
PROBATE COURT (46)
46 judges
Jurisdiction:
- Estate, business of minors and incompetents, guardians, trustees, and mental commitments.
- Juvenile (if no Family Court).
No jury trials.
MUNICIPAL COURT (82)
250 judges
Jurisdiction:
- Municipal ordinance violations, criminal with fine less than $200 and/or a sentence of 30 days.
Jury trials.
MAGISTRATE'S COURT (322)
330 magistrates
Jurisdiction:
- Law and landlord-tenant under $1,000.
- Criminal with fine less than $200 or sentence of 30 days. Preliminary hearings.
Jury trials.
FAMILY COURT (16)
46 judges
Jurisdiction:
- Family support and protection, adoption, and divorce.
- Exclusive jurisdiction over delinquent, neglected, or abandoned children. Misdemeanors involving minors.
Jury trials.
Courts of limited jurisdiction
Indicates route of appeal.

2.6 Rule-making. Reference Section 1.6.

Court of General Jurisdiction

3.1 CIRCUIT COURT. The Circuit Court holds terms as scheduled by the Chief Justice.

[Director, Court Administration]

3.2 Organization. The state is divided into 16 circuits of 2 or more counties. The court sits as a Court of Common Pleas and as a Court of General Sessions.

[Code §14-5-610 to §14-5-820]

3.3 Jurisdiction

a. The Circuit Court has original jurisdiction in all cases unless exlusive jurisdiction is granted to a court of limited or special jurisdiction. Civil cases are heard in the Court of Common Pleas division, criminal in the Court of General Sessions division.

b. The Circuit Court has appellate jurisdiction over cases from the Probate Court, the Magistrate's Court, and the Municipal Court. Civil appeals are heard in the Court of Common Pleas division; criminal appeals in the Court of General Sessions division.

[Const. Art. 5, §7; Code 14-5-350, 14-21-415, 14-21-515, 18-7-10, 27-33-40]

3.4 Judges (31)

a. The Circuit Court has a chief judge for administrative purposes who is appointed by the Chief Justice.

b. Circuit Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b. They must also have been residents of the district they serve for at least one year.

c. Circuit Court judges are elected by public vote of the General Assembly for 6-year terms.

[Const., Art. V, §9; Director, Court Administration]

3.5 Administration

a. There are provisions for a chief judge for the individual circuits.

b. There are no provisions for an administrator over all the circuits of the Circuit Court or for administrators for the individual circuits. Reference Section 5.2.b. (state-level administrator).

c. Each county elects a court clerk to a 4-year term. This clerk serves the Circuit Court within the county and all limited jurisdiction courts except the Probate Court and Magistrate's Court. The clerk must be bonded. He is charged with maintaining the courthouse; issuing all processes, signing all judgments, maintaining all records of the courts; witnessing and approving security for costs; executing laws respecting jurors; making out a roll of jurors and constables in attendance; reporting persons brought to trial; keeping records of all persons elected to office; and administering oaths to magistrates and transmitting the list of magistrates' names to the Secretary of State.

[Const., Art. 7, §20; Code §14-17-40, §14-17-210 to §14-17-370; Director, Court Administration]

3.6 Rule-making. The Circuit Court may promulgate rules so long as they are consistent with the laws of the state and the rules of the Supreme Court. Reference Section 1.6.

[Code §14-5-310]

Courts of Limited or Special Jurisdiction

4.1.1 FAMILY COURT. The term of the Family Court is set by the Chief Justice based on caseload information provided by the Office of South Carolina Court Administration.

[Director, Court Administration]

4.2.1 Organization. Family Courts have been established in each judicial circuit. Each court has jurisdiction throughout the circuit. There are no specialized divisions of the court.

[Code §14-21-410]

4.3.1 Jurisdiction

a. The Family Court has jurisdiction in all juvenile cases including child neglect, contested custody proceedings, law violations within the court's geographical jurisdiction, any mental commitment proceedings involving a juvenile, and any action regarding a juvenile who is beyond the control of his parent or other custodian; name changes; support cases; bastardy suits; adoptions; guardianships; divorces; separations; and other marital actions.

b. The Family Court has no appellate jurisdiction.

[Code §§14-21-510, 14-21-515, 14-21-810, 14-21-830, 14-21-1010 to 14-21-1060]

4.4.1 Judges (46)

a. The chief judge of each Family Court is selected by the Chief Justice from the Family Court judges chosen by the legislature.

b. Family Court judges must meet the same qualifications as Supreme Court justices (reference Section 1.4.b). They must also have been residents of their circuits for at least 1 year and members of the bar for at least 5 years. Notwithstanding any other provision of law, any former member of the General Assembly may be elected to the office of Family Court judge.

c. Family Court judges are elected to 4-year terms by the General Assembly.

[Code §§14-21-420, 14-21-425]

4.5.1 Administration

a. The Chief Justice rotates the Family Court judges of the circuit and assigns cases to judges. They perform such administrative duties as the Chief Justice may direct.

b. There are no provisions for administrators for the Family Court. Reference Section 5.2.b (state-level administrator).

c. The circuit clerks also serve as the clerks for the Family Court. Reference Section 3.5.c.

[Code §§14-21-420, 14-21-440, 14-21-445; Director, Court Administration]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 PROBATE COURT. The Probate Court term is determined by the individual judges; however, the term is usually continuous.

[Director, Court Administration]

4.2.2 Organization. Probate Courts have been established in every county in the state. There are no specialized divisions of the court.

[Code §14-23-1010]

4.3.2 Jurisdiction

a. The Probate Court has jurisdiction over all testamentary matters, guardianships of mental incompetents and minors, and administration of estates. It issues marriage licenses, conducts eminent domain proceedings, and conducts commitment inquiries in cases of mental illness, alcoholism, drug addiction, and tuberculosis.

b. The Probate Court has no appellate jurisdiction.

[Code §14-23-1150]

4.4.2 Judges (46)

a. Because there is only one judge per court, the Probate Court does not have presiding judges. Counties are authorized to select associate judges as well as those who are authorized to act in the same capacity as Probate Court judges. If a county opts to install associate judges, they are selected by the judge of the Probate Court and are answerable to him.

b. Probate Court judges must be qualified voters of their respective counties.

c. Probate Court judges are elected to 4-year terms by the voters of their respective counties.

[Code §§14-23-1020, 14-23-1030, 14-23-1040]

4.5.2 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. The judge of each court is authorized to appoint a clerk to serve at his pleasure. The clerk must keep a record of all proceedings and maintain the records and documents of the court. He is authorized to execute and issue certain documents for the judge such as marriage licenses, certificates of appointment, certifications of wills, and warrants of appraisements in decedents' estates. If an intestate estate is being administered by the court, he handles all papers and matters pertaining to that matter. In uncontested probate cases, he may hear and determine all matters.

[Code §§14-23-1090, 14-23-1100]

4.6.2 Rule-making. Reference Section 1.6.

4.1.3 MAGISTRATE'S COURT. The Magistrate's Court term is determined by the individual magistrates; however, the term is usually continuous.

[Director, Court Administration]

4.2.3 Organization. Each county of the state is divided into magisterial districts with a single magistrate per district. There are no specialized divisions of the court.

[Code §22-1-10]

4.3.3 Jurisdiction

a. The Magistrate's Court has jurisdiction in the following cases where the amount in controversy does not exceed $1,000: actions rising from contract or injury to person or property; actions for a penalty, fine, or forfeiture; actions commenced by the attachment of property; actions on bonds; confession judgments of any nature; actions for fraud or damages arising from the purchase of personal property; and actions to recover personal property. The court also has jurisdiction in landlord-tenant actions, possessory actions, and bastardy cases. Magistrates are authorized to issue search warrants for suspected gambling institutions, and to arrest, examine, and commit any suspected criminal. Magistrates have jurisdiction in all criminal cases in which the penalty does not exceed $200 fine or 30 days of imprisonment.

b. The Magistrate's Court has no appellate jurisdiction.

[Code §§3-5-10, 3-5-110, 22-3-10, 22-3-540 to 22-3-560]

4.4.3 Judges (330 magistrates)

a. The Magistrate's Court does not have presiding judges.

b. There are no statutory qualifications for magistrates. They are generally recommended to the Governor by the state senator from the respective county and must be bonded.

c. Magistrates are appointed by the Governor, with the advice and consent of the Senate, to 2 or 4-year terms depending upon the county. The term is the same within a given county.

[Code §§22-1-10, 22-1-150, 22-2-10; Director, Court Administration]

4.5.3 Administration

a. The Chief Justice appoints a chief judge over the Magistrate's Court in each county for administrative purposes.

b. There are no provisions for administrators for the Magistrate's Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Magistrate's Court.

[Director, Court Administration]

4.6.3 Rule-making. General procedural rules are statutorially established. Reference Section 1.6.

[Code §22-3-110 to §22-3-320, §22-3-710 to §22-3-790]

4.1.4 MUNICIPAL COURT. The Municipal Court term is determined by the individual judges; however, the term is usually continuous.

[Director, Court Administration]

4.2.4 Organization. Every municipality in the state is authorized to establish a Municipal Court. Whether or not a separate court is established, the mayors of municipalities are vested with the powers of magistrates. Reference Section 4.3.3. There are no specialized divisions of the court.

[Code §§14-25-10, 14-25-910]

4.3.4 Jurisdiction

a. The Municipal Court has jurisdiction in cases arising under the ordinances of the municipalities. They also exercise the same jurisdiction as the Magistrate's Court.

b. The Municipal Court has no appellate jurisdiction.

[Code §14-25-970]

4.4.4 Judges (250 mayors and recorders)

a. The Municipal Court does not have presiding judges.

b. There are no statutory qualifications for mayors and recorders.

c. Mayors are selected locally and are ex officio judges of the Municipal Court. Cities may establish the position of municipal recorder, who is chosen by the mayor and city council and serves a 4-year term.

[Code §§14-25-10, 14-25-920]

4.5.4 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

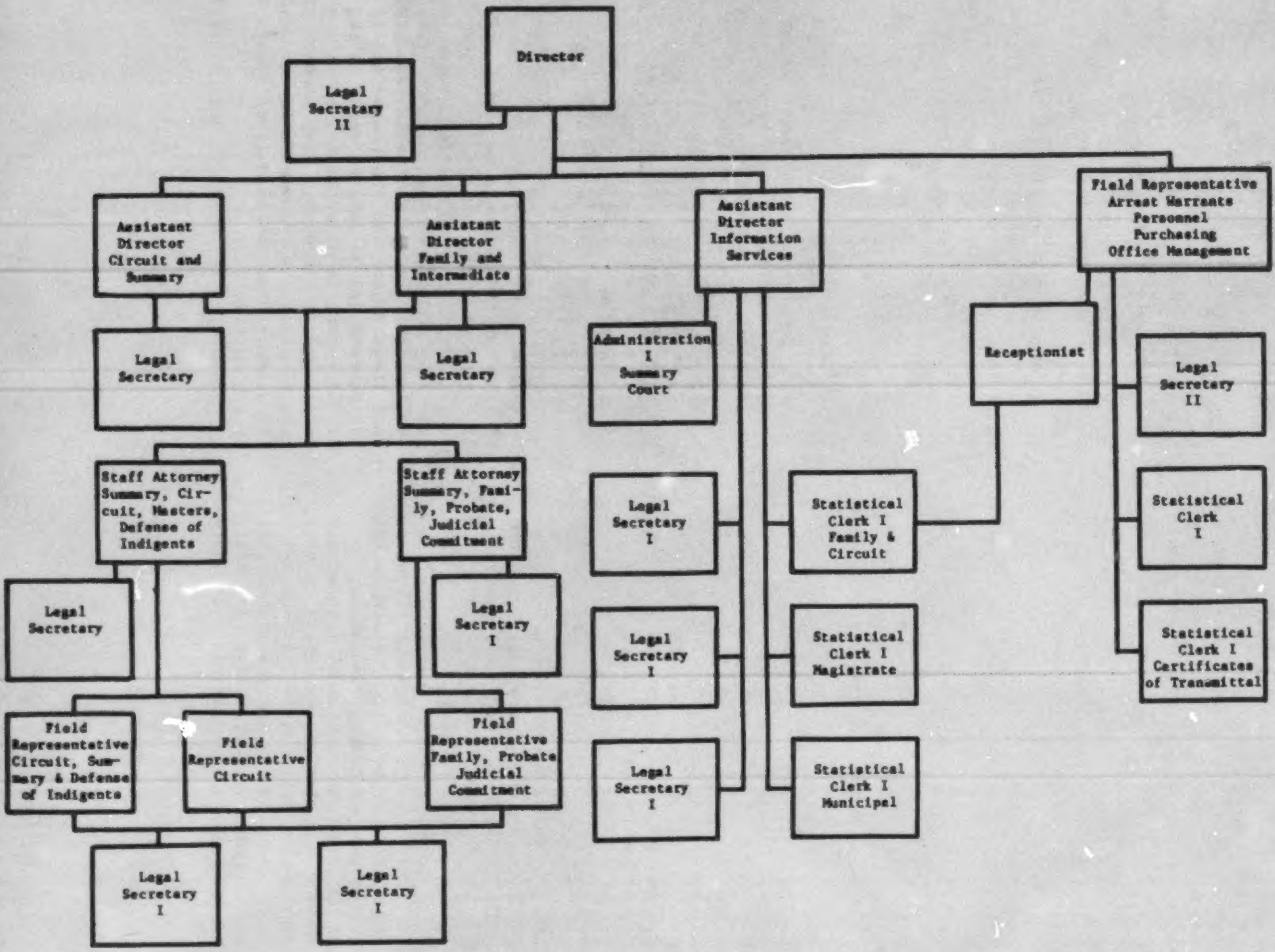
c. The city clerk or recorder serves as Municipal Court Clerk.

4.6.4 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice is designated as the administrative head of the unified judicial system, and the Supreme Court is authorized to make rules governing the

Figure 2: South Carolina state-level administrative office of the courts, 1980


Director
Legal Secretary II
Assistant Director Circuit and Summary
Assistant Director Family and Intermediate
Assistant Director Information Services
Field Representative Arrest Warrants Personnel Purchasing Office Management
Legal Secretary
Legal Secretary
Administration I Summary Court
Receptionist
Legal Secretary II
Staff Attorney Summary, Circuit, Masters, Defense of Indigents
Staff Attorney Summary, Family, Probate, Judicial Commitment
Legal Secretary I
Statistical Clerk I Family & Circuit
Statistical Clerk I
Legal Secretary
Legal Secretary I
Legal Secretary I
Statistical Clerk I Magistrate
Statistical Clerk I Certificates of Transmittal
Field Representative Circuit, Summary & Defense of Indigents
Field Representative Circuit
Field Representative Family, Probate Judicial Commitment
Legal Secretary I
Statistical Clerk I Municipal
Legal Secretary I
Legal Secretary I

administration of all courts. The Chief Justice has the power to set the terms of any court and to assign any judge to sit in any court within the unified court system. He is further charged with examining the administration methods, systems, activities, and dockets of all courts and generally supervising the calendars of all courts "in the interest of the better administration of justice." Reference Section 1.5.a.

[Const., Art. V, §4; Code §14-1-90]

5.2 Office of South Carolina Court Administration

a. The Office of South Carolina Court Administration is authorized by Constitution Article V, §4.

b. Director, Court Administration

(1) The constitution authorizes "an administrator for the courts."

(2) There are no formal statutory qualifications for the Director of the Office of South Carolina Court Administration. (The former and current directors, however, hold law degrees.) The Director is appointed by the Chief Justice and serves at his pleasure.

(3) The Director performs the following functions: collects, compiles, and analyzes caseload reports from the trial courts; provides assistance in the drafting of court rules; drafts the Circuit Court rotation plan and submits it for the Chief Justice's approval; assists in the preparation of the Judicial Department budget; conducts research and formulates recommendations on court organization; recommends terms of Circuit and Family Courts and assignment of judges; and disseminates information on the operation of the court system.

c. Office organization. The Office of South Carolina Administration consists of 25 people who are appointed by the Chief Justice: 11 professionals (including the Director, Court Administration) and 14 clerical personnel. The professional staff provides support services in the following areas: computer operations, records management, forms development, and field representation; court coordination, budgeting and purchasing; education, training, and publications; personnel systems and office management; legislative, executive, public, and media information, legislative liaison, and executive liaison; and planning and research activities including statistical compilation, judicial planning, research, evaluation, statistical analysis and legislative drafting.

[Const., Art. V, §4; State Court Systems: Revised 1978, p. 27; State Court Administrators, pp. 96-97; Director, Court Administration]

Quasi-Judicial Officers

6.1 CIRCUIT COURT

6.2 Special referee, master

a. There are no statutory qualifications for special referees or masters. They are, however, usually attorneys. They are appointed by the Circuit Court.

b. Whenever the office of master-in-equity is vacant or if the master is disqualified or disabled, the special referee will handle the case with the full authority of a master. Reference Section 4.3.5.a.

[Code §14-11-60]

Judicial Discipline

7.1 Board of Commissioners on Judicial Standards. The board is appointed by the Supreme Court and consists of three Circuit Court judges, two judges of limited jurisdiction courts of record, two magistrates, and two members of the bar who have never held a judicial office.

[Supreme Court Rules (hereinafter S.C.R.), Rule 34 (3)(b)]

7.2 Authority and procedure for sanction. Upon receipt of a factually valid complaint, the board makes a preliminary investigation to determine whether a formal complaint should be filed. If it decides to file a complaint, the accused judge is informed of the charges. The judge then has 20 days to answer. After receipt of the answer, a hearing is held before a panel of three masters, appointed by a special commission and chosen for particular duty by the board. These hearings generally conform to the rules of civil procedure and evidence. A transcript is kept. The masters send their report and the transcript to the board. The accused has 30 days to reply to the report. If the report is objected to, a hearing before the full board is convened. Five members of the board must concur for a recommendation of discipline. The Supreme Court makes a final review and decision on the matter.

[S.C.R., Rule 34(10) to Rule 34(22)]

SOUTH DAKOTA

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court of South Dakota sits in Pierre and in other cities as specified by order of the court. The court holds one term coincident with the calendar year.

[Constitution, Article V, Section 2; South Dakota Compiled Laws Annotated (hereinafter S.D. Compiled Laws Ann.) Section 16-1-9]

1.2 Organization. There is nothing in the South Dakota Constitution or South Dakota Laws Annotated that empowers or instructs the court to sit en banc or in panels. As a practical matter, therefore, each case is heard en banc with all five justices hearing the case.

1.3 Jurisdiction

a. The Supreme Court or any justice thereof may issue any original or remedial writ. The Governor also has the power to require opinions of the court upon questions of law involved in the exercise of the executive power. The court has ex parte jurisdiction regarding the admission, discipline, and disbarment of attorneys in South Dakota.

b. The Supreme Court has appellate jurisdiction as provided by the legislature. The right to appeal from final judgment of the trial court is mandatory in both criminal and civil cases. Appellate review of criminal cases also includes review of contentions of excessive sentence, if the issue is raised.

[Const., Art. V, §5; S.D. Compiled Laws Ann. §§16-16-1, 16-16-17; Outline of Basic Appellate Court Structure in the United States, p. 171]

1.4 Justices (5)

a. The Chief Justice is elected by a majority vote of his colleagues for a term of 4 years, without limitation of successive terms. He may be removed as Chief Justice by a four-fifths vote of the justices, but such removal does not constitute his removal as a justice of the Supreme Court.

b. Supreme Court justices must be citizens of the United States, must be residents of the State of South Dakota, and must be voting residents of the districts (reference 1.4.c below) from which they are elected. Justices must also be licensed to practice law in South Dakota.

c. Supreme Court justices are elected in a nonpartisan election by the voters of the districts they represent. Five electoral districts are established by the legislature and each district has one justice. Justices are elected for terms of 8 years. The Governor fills a vacancy by appointment of one of the two or more persons nominated to the Governor by the Commission on Judicial Qualifications (reference Table 12: Characteristics of judicial nominating commissions) for the balance of the unexpired term.

[Const., Art. V, §§2, 6, 7; S.D. Compiled Laws Ann. §§16-1-2, 16-1-2.1; State Court Administrator]

1.5 Administration

a. The Chief Justice is the administrative head of the unified judicial system. He exercises administration and supervision over the court system through the State Court Administrator, the presiding judges of the Circuit Courts, and two Circuit Court administrators. Reference Section 5.1 (General administrative authority). The chief justice has no specifically articulated duties, however, in regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is appointed by the Supreme Court. He has no statutorily defined duties. In practice, he has supervisory duties over deputies and bailiffs and responsibilities as determined by the court.

[Const., Art. V, §11; State Court Administrator]

1.6 Rule-making. The Supreme Court has the power to make rules of practice and procedure for the administration of justice in all courts of the state and for the method of taking, hearing, and deciding appeals to the courts from any institution exercising a quasi-judicial function in any case where an appeal is allowed by law. The Supreme Court has general superintending powers over all courts and may make rules of administration for all courts.

[Const., Art. V, §12; S.D. Compiled Laws Ann. §16-3].

Intermediate Appellate Court

2.0 There is no intermediate appellate court in South Dakota.

Court of General Jurisdiction

3.1 CIRCUIT COURT. Regular terms of court are established by Supreme Court Rule, with at least two terms a year in each county.

[S.D. Compiled Laws Ann. §§16-5, 16-6-1]

3.2 Organization. The Circuit Court is divided into eight geographical circuits, seven of which are multi-county circuits. Each court has a specialized division called the Magistrate Court.

[S.D. Compiled Laws Ann. §§16-5-1.2; 16-12A-2]

3.3 Jurisdiction

a. Judges of the Circuit Court have original jurisdiction as follows:

(1) Exclusive original jurisdiction in all cases of felony.

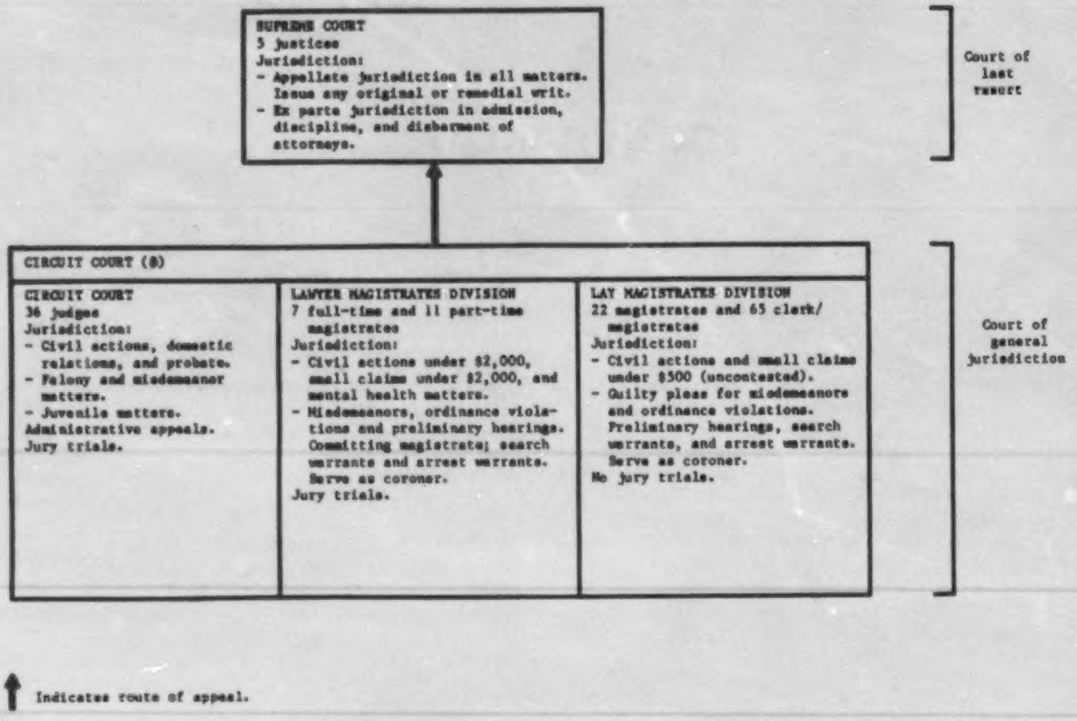
(2) Concurrent original jurisdiction with magistrates in misdemeanors and ordinance violations.

(3) All actions or proceedings in chancery.

(4) All actions at law and in equity.

(5) All cases where title or boundary to real property comes into question.

Figure 1: South Dakota court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Appellate jurisdiction in all matters. Issue any original or remedial writ.
- Ex parte jurisdiction in admission, discipline, and disbarment of attorneys.

Court of last resort

CIRCUIT COURT (8)

CIRCUIT COURT
36 judges
Jurisdiction:
- Civil actions, domestic relations, and probate.
- Felony and misdemeanor matters.
- Juvenile matters.

Administrative appeals.
Jury trials.

LAWYER MAGISTRATES DIVISION
7 full-time and 11 part-time magistrates
Jurisdiction:
- Civil actions under $2,000, small claims under $2,000, and mental health matters.
- Misdemeanors, ordinance violations and preliminary hearings. Committing magistrate; search warrants and arrest warrants. Serve as coroner.

Jury trials.

LAY MAGISTRATES DIVISION
22 magistrates and 65 clerk/magistrates
Jurisdiction:
- Civil actions and small claims under $500 (uncontested).
- Guilty pleas for misdemeanors and ordinance violations. Preliminary hearings, search warrants, and arrest warrants. Serve as coroner.

No jury trials.

Court of general jurisdiction

Indicates route of appeal.

(6) All actions for divorce or annulment of marriage.

(7) All matters of probate, guardianship, and settlement of estates.

(8) Proceedings relating to minors.

The Circuit Court judges may issue and determine all original and remedial writs.

The jurisdiction of the magistrates of the Magistrate Court, a division of the Circuit Court, is specified according to whether they are law trained magistrates or lay magistrates. All magistrates have the following jurisdiction:

(1) Issue search and arrest warrants.

(2) Act as committing magistrate during preliminary hearings.

(3) Accept guilty pleas and impose sentence in criminal cases where the punishment does not exceed a fine of $100 or imprisonment of 30 days, or both.

(4) Concurrent jurisdiction with the Circuit Court in noncontested civil actions or small claims proceedings involving up to $2,000.

Lawyer magistrates have additional jurisdiction as follows:

(1) Try all misdemeanors and ordinance violations (reference Section 3.3.a.(2) above) and act as committing magistrates in all cases.

(2) Try and determine all civil actions involving up to $2,000.

(3) Try and determine all small claims.

(4) Jurisdiction over mental illness cases.

Courts of lawyer magistrates are courts of record and jury trials are available; courts of lay magistrates are not courts of record and no jury trials are available.

b. The Circuit Court has appellate jurisdiction over all final judgments or orders of the Magistrate Court.

[S.D. Compiled Laws Ann. §§16-6-9, 16-6-10, 16-6-12, 16-12A-13, 16-12A-14, 16-12A-16, 16-12A-19, 16-12A-21, 16-12A-22, 16-12A-23 to 16-12A-25]

3.4 Judges (36 judges; 7 full-time and 11 part-time lawyer magistrates; 22 lay and 65 clerk/magistrates.

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, a presiding judge for each circuit is appointed by and serves at the pleasure of the Chief Justice.

b. Circuit Court judges must be citizens of the United States, must be residents of the State of South Dakota, and must be voting residents of the districts from which they are selected. They must also be licensed to practice law in South Dakota.

A lawyer magistrate must be a qualified voter of the circuit in which he is appointed and must reside in that circuit while serving as a magistrate. Lawyer magistrates must be licensed to practice law in South Dakota.

A lay magistrate must be a qualified voter in the circuit for which he is appointed and must reside in that circuit as long as he serves as magistrate. In addition, a lay magistrate must have a high school education and must attend a training course supervised by the Supreme Court before taking office. Any appointed clerk or deputy clerk who meets the qualifications may also be appointed as lay magistrate.

c. Circuit Court judges are elected to 8-year terms in nonpartisan elections by the voters of the circuits they represent.

All magistrates are appointed by the presiding circuit judge of each circuit. They may be appointed to serve full or part time. Full-time lawyer magistrates are appointed to 4-year terms with the approval of the Supreme Court. All other magistrates serve at the pleasure of the presiding circuit judge. One full-time lawyer magistrate is required in the First, Fifth, Sixth, Seventh and Eighth Circuits; two are required in the Second Circuit.

[Const., Art. V, §§3, 7, 11; S.D. Compiled Laws Ann. §§16-6-1, 16-12A-1, 16-12A-3.1, 16-12A-4, 16-12A-4.1, 16-12A-5, 16-12A-6, 16-12A-8; Supreme Court Rule 75-1]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, the presiding judge for each circuit has authority as the Supreme Court may designate by rule. Duties of the presiding judge include the following:

(1) Arranging schedules and assigning circuit judges.

(2) Supervising the calendar.

(3) Appointing clerks and other personnel and supervising their functions.

(4) Assigning matters and duties to clerks.

(5) Making arrangements for drawing the jury panel and determining jury sessions.

(6) Arranging for the reporting of cases.

(7) Arranging for the orderly disposition of specialized matters.

(8) Promulgating a schedule of offenses for which magistrates may accept appearances, waivers of trial, pleas of guilty, and a schedule of fines and bail thereof.

(9) Assigning various powers and duties to other circuit judges.

(10) Periodically reviewing the performance of magistrates, clerks, and deputy clerks, as to the schedule they are to follow and correcting any erroneous application thereof.

The presiding judge appoints judicial personnel to the Magistrate Court, and appoints clerks and other court personnel for the counties in his circuit.

b. Although Rule 10 of the South Dakota Judicial System Personnel Rules provides for regional administrators, none have been appointed to date. Presently there are three Circuit Court administrators charged with personnel and caseflow management responsibilities. They are appointed by the respective presiding circuit judge. They also supply statistics on caseload information to the State Court Administrator's Office. Reference Section 5.2.b (state-level administrator).

c. Each presiding judge appoints the clerks of his circuit. Clerks are responsible for maintaining court records, charging and collecting uniform fees and commissions, and transferring revenues from fines, forfeitures, penalties, or costs to the county treasury. Pursuant to Supreme Court Order, October 29, 1973, clerks are required to continue to perform duties nonjudicial in nature, until the duties are transferred by the legislature or abolished.

[Const., Art. V, §11; S.D. Compiled Laws Ann. §§16-2-21, 16-2-27, 16-2-28, 16-2-33]

3.6 Rule-making. Rules of practice and procedure for all the courts are promulgated by the Supreme Court, subject to legislative change. Reference Section 1.6. Rules for the administration of the courts are promulgated by court rule. The presiding circuit judge, subject to the rules of the Supreme Court, has administrative supervision and authority to prescribe regulations for the internal operation of the Magistrate Court.

[Const., Art. V, §12; S.D. Compiled Laws Ann. §16-2-21]

Court of Limited or Special Jurisdiction

4.0 There are no courts of special or limited jurisdiction in South Dakota.

State-Level Administration

5.1 General administrative authority. The Chief Justice is the administrative head of the judicial system. He has authority to submit an annual consolidated budget, assign judicial and nonjudicial personnel, and supervise the administrative staff, among other powers. The Chief Justice exercises general direction and supervision of the Circuit Court in order to expedite the work of the courts, alleviate congestion, secure prompt disposition of cases, and distribute workload. The Chief Justice appoints a presiding circuit judge for each circuit, who has such administrative power as designated by Supreme Court Rule. Reference Section 1.5.a.

[Const., Art. V, §11; S.D. Compiled Laws Ann. §§16-2-20, 16-2-21]

5.2 Office of the State Court Administrator

a. The Office of the State Court Administrator is constitutionally authorized.

b. State Court Administrator

(1) The position of State Court Administrator is constitutionally authorized.

(2) There are no formal qualifications for the State Court Administrator. In practice, he is expected to have a law degree or graduate degree in business or public administration and a minimum of 2 years of experience in court administration. The State Court Administrator is appointed by the Supreme Court.

(3) The State Court Administrator, together with the central staff, has the following responsibilities:

(a) Supervises budget preparation.

(b) Prepares and maintains personnel standards, procedures, and staffing patterns.

(c) Provides liaison with the legislature.

(d) Assists in the execution and drafting of administrative rules.

(e) Conducts research in court organization.

(f) Disseminates information on the operation of the state court system.

(g) Prepares long-range facilities plans.

(h) Provides general administrative and technical support.

c. Office organization. The Office of the State Court Administrator is composed of 17 people: 10 professionals (including the State Court Administrator) and 7 clerical personnel. They provide support services in the following areas: systems analysis and programming; probation; accounting; training; personnel systems; and judicial planning.

[Const., Art. V, §11; *S.D. Judicial System Personnel Rules*; *State Court Administrators*, pp. 98-99; State Court Administrator]

Quasi-Judicial Officers

6.0 There are no quasi-judicial officers in South Dakota.

Judicial Discipline

7.1 Commission on Judicial Qualifications. The commission consists of seven members as follows: two judges of the Circuit Court, elected by the Judicial Conference (reference Table 29: Judicial councils and conferences); three lawyers, no more than two of whom are of the same political party, appointed by the president of the state bar; and two lay citizens, not of the same political party, appointed by the Governor.

[S.D. Compiled Laws Ann. 16-1A-4 *et. seq.*]

7.2 Authority and procedure for sanction. All judges and magistrates in South Dakota are subject to investigation by the Commission on Judicial Qualifications. The commission, upon receiving a complaint, or upon its motion, makes a preliminary investigation. The judge being investigated must be so notified and has the opportunity to present such matters as he may choose. If a formal proceeding is deemed necessary, the judge in question receives notice of the formal proceeding to inquire into the charges against him. The judge must answer the charges or, after a 30-day period of service of notice, a formal hearing concerning the censure, removal, or retirement of the judge is held. The commission's case is presented by an attorney and both sides may produce evidence, be represented by counsel, issue subpoenas for witnesses, and examine and cross-examine witnesses. A record is kept of the proceedings of the hearing. Upon completion of the hearing, the commission recommends, upon an affirmative vote of five members, the dismissal of the complaint, or temporary suspension, censure, removal, or retirement of the judge. The Supreme Court, on the basis of the record and recommendation of the commission, may make such determinations and may dispose of the case as it deems appropriate.

[Const., Art. V, §9, S.D. Compiled Laws Ann. §16-1A-1, Appx.]

Figure 2: South Dakota state-level administrative office of the courts, 1980

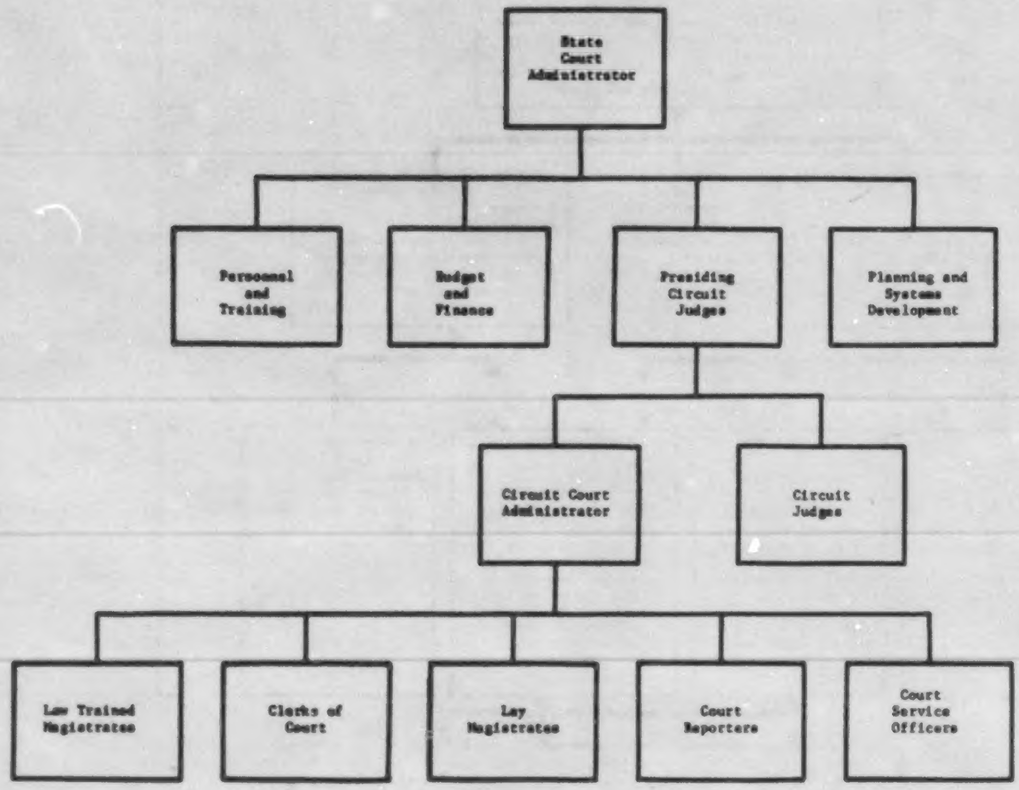
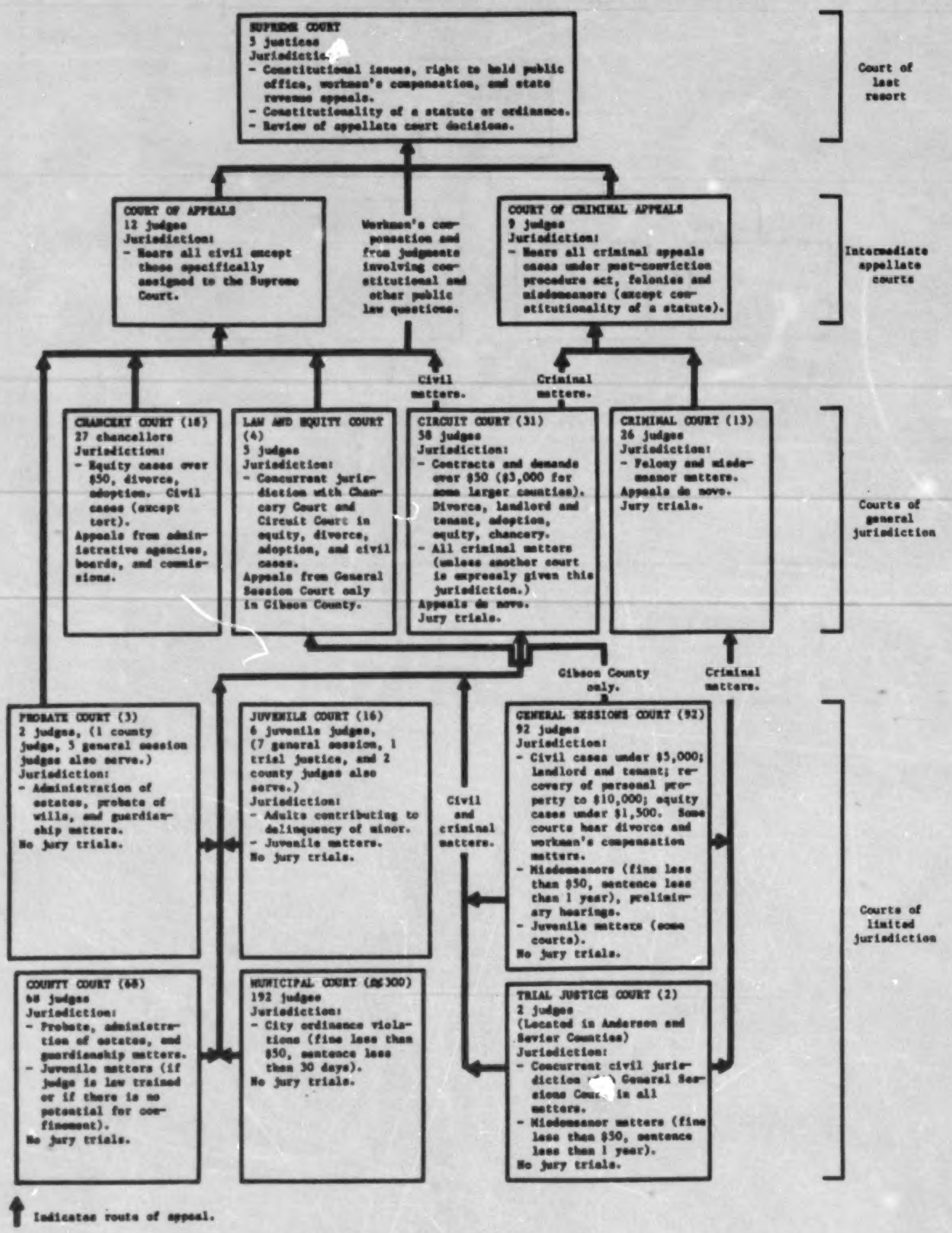

State Court Administrator
Personnel and Training
Budget and Finance
Presiding Circuit Judges
Planning and Systems Development
Circuit Court Administrator
Circuit Judges
Law Trained Magistrates
Clerks of Court
Lay Magistrates
Court Reporters
Court Service Officers

Figure 1: Tennessee court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Constitutional issues, right to hold public office, workmen's compensation, and state revenue appeals.
- Constitutionality of a statute or ordinance.
- Review of appellate court decisions.

COURT OF APPEALS
12 judges
Jurisdiction:
- Hears all civil except those specifically assigned to the Supreme Court.

COURT OF CRIMINAL APPEALS
9 judges
Jurisdiction:
- Hears all criminal appeals cases under post-conviction procedure act, felonies and misdemeanors (except constitutionality of a statute).

CHANCERY COURT (18)
27 chancellors
Jurisdiction:
- Equity cases over $50, divorce, adoption. Civil cases (except tort).

Appeals from administrative agencies, boards, and commissions.

LAW AND EQUITY COURT (4)
5 judges
Jurisdiction:
- Concurrent jurisdiction with Chancery Court and Circuit Court in equity, divorce, adoption, and civil cases.

Appeals from General Session Court only in Gibson County.

CIRCUIT COURT (31)
58 judges
Jurisdiction:
- Contracts and demands over $50 ($3,000 for some larger counties). Divorce, landlord and tenant, adoption, equity, chancery.
- All criminal matters (unless another court is expressly given this jurisdiction.)

Appeals de novo.
Jury trials.

CRIMINAL COURT (13)
26 judges
Jurisdiction:
- Felony and misdemeanor matters.

Appeals de novo.
Jury trials.

PROBATE COURT (3)
2 judges, (1 county judge, 5 general session judges also serve.)
Jurisdiction:
- Administration of estates, probate of wills, and guardianship matters.

No jury trials.

JUVENILE COURT (16)
6 juvenile judges, (7 general session, 1 trial justice, and 2 county judges also serve.)
Jurisdiction:
- Adults contributing to delinquency of minor.
- Juvenile matters.

No jury trials.

GENERAL SESSIONS COURT (92)
92 judges
Jurisdiction:
- Civil cases under $5,000; landlord and tenant; recovery of personal property to $10,000; equity cases under $1,500. Some courts hear divorce and workman's compensation matters.
- Misdemeanors (fine less than $50, sentence less than 1 year), preliminary hearings.
- Juvenile matters (some courts).

No jury trials.

COUNTY COURT (68)
68 judges
Jurisdiction:
- Probate, administration of estates, and guardianship matters.
- Juvenile matters (if judge is law trained or if there is no potential for confinement).

No jury trials.

MUNICIPAL COURT (±300)
192 judges
Jurisdiction:
- City ordinance violations (fine less than $50, sentence less than 30 days).

No jury trials.

TRIAL JUSTICE COURT (2)
2 judges
(Located in Anderson and Sevier Counties)
Jurisdiction:
- Concurrent civil jurisdiction [illegible] General Sessions Cou[illegible] in all matters.
- Misdemeanor matters (fine less than $50, sentence less than 1 year).

No jury trials.

Court of last resort
Intermediate appellate courts
Courts of general jurisdiction
Courts of limited jurisdiction
Workmen's compensation and from judgments involving constitutional and other public law questions.
Civil matters.
Criminal matters.
Gibson County only.
Criminal matters.
Civil and criminal matters.

Indicates route of appeal.

TENNESSEE

Court of Last Resort

1.1 SUPREME COURT. The state is geographically divided into three grand divisions, each having a judicial capital. The Supreme Court sits three times a year in each of the three judicial capitals: Knoxville, Nashville, and Jackson.

[Constitution, Article 6, Section 2; Tennessee Code Annotated (hereinafter T.C.A.) Sections 16-201, 16-202, 16-203]

1.2 Organization. The Supreme Court does not sit in panels or divisions. A concurrence of three judges is needed to render a decision.

[Const., Art. 6, §2]

1.3 Jurisdiction

a. The Supreme Court has no original jurisdiction.

b. The Supreme Court hears appeals from the Court of Appeals, the Court of Criminal Appeals, and "bypass" appeals from the trial courts. These "bypass" appeals include appeals from judgments in cases where there is no testimonial conflict, from judgments in workmen's compensation cases, and from judgments involving constitutional and other public law questions.

[T.C.A. §16-304]

1.4 Justices (5)

a. The Chief Justice is selected on a rotational system for a term of approximately 19 months.

b. Supreme Court judges must be between 35 and 70 years of age, must be attorneys and members of the state bar, and must have been residents of the state for 5 years. No more than two members of the court can be from the same grand division of the state.

c. Supreme Court judges are elected to 8-year terms by the voters of the state in partisan elections. The Governor fills a vacancy by appointing a temporary replacement from the same grand division.

[Const., Art. 6, §§2, 3; T.C.A. §§8-2809, 8-2814(a), 16-301; Executive Secretary]

1.5 Administration

a. The Supreme Court has supervisory control over the general jurisdiction courts of the state. It exercises administration and supervision over the state court system through the Chief Justice, the Executive Secretary, and the four general jurisdiction presiding judges. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. Three clerks, one for each grand division of the state, are appointed by the judges of the court for 6-year terms. The clerks are responsible for maintaining the courts' dockets, keeping the courts' records, and publishing and disseminating court opinions.

[T.C.A. §§18-105, 18-301, 18-302; Executive Secretary]

1.6 Rule-making. The Supreme Court has the power to prescribe procedural and administrative rules for all courts in the state subject to the approval of the state legislature. Every court in the state may adopt supplementary rules as long as they do not conflict with those prescribed by the Supreme Court.

[T.C.A. §§16-112, 16-114, 16-117]

Intermediate Appellate Courts

2.1.1 COURT OF APPEALS. The court is required to sit for at least one term a year in each of the three judicial capitals: Knoxville, Nashville, and Jackson.

[T.C.A. §16-412]

2.2.1 Organization. The court is authorized to sit in panels of three judges, with a concurrence of two necessary to reach a decision.

[T.C.A. §§16-409, 16-413]

2.3.1 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has appellate jurisdiction over all civil cases except where the constitutionality of a statute or ordinance is a determinative issue, where the right of one to hold public office is in question, and cases involving workmen's compensation, state revenue, or writs of mandamus, quo warranto, ouster, and habeas corpus where the relator is being held under criminal accusation.

[T.C.A. §16-408]

2.4.1 Judges (12)

a. The full court selects a presiding judge, and, when sitting in 3-judge panels, each panel selects a presiding judge. Presiding judges are elected to 8-year terms.

b. Court of Appeals judges must be between 35 and 70 years of age, must have been residents of the state for 5 years, and must be attorneys. No more than four judges can be from the same grand division of the state.

c. Court of Appeals judges are elected to 8-year terms by the voters of the state at large.

[T.C.A. §§16-402, 16-405, 17-103; Executive Secretary]

2.5.1 Administration

a. The presiding judges have no formal administrative duties.

b. There is no provision for an administrator for the Court of Appeals. Reference Section 5.2.b (state-level administrator).

c. The Supreme Court clerks also serve as clerks for the Court of Appeals. Reference Section 1.5.c.

[T.C.A. §16-406]

2.6.1 Rule-making. Reference Section 1.6.

2.1.2 COURT OF CRIMINAL APPEALS. The court is required to sit for at least one term a year in each of the judicial capitals: Knoxville, Nashville, and Jackson.

[T.C.A. §16-447]

2.2.2 Organization. The court may sit en banc or in panels of three, five, or more. A majority concurrence is required to render a decision.

[T.C.A. §16-447]

2.3.2 Jurisdiction

a. The Court of Criminal Appeals has no original jurisdiction.

b. The Court of Criminal Appeals has appellate jurisdiction over all criminal cases, habeas corpus, and postconviction proceedings attacking the judgment or sentencing in a criminal case, criminal contempt proceedings, and extradition cases. If the sole determinative question is the constitutionality of a statute or ordinance, the court does not have jurisdiction.

[T.C.A. §16-448]

2.4.2 Judges (9)

a. The presiding judge is elected from among its members to an 8-year term.

b. Court of Criminal Appeals judges must meet the same requirements as Court of Appeals judges (reference Section 2.4.1.b) except that no more than three can be from the same grand division.

c. Court of Criminal Appeals judges are elected to 8-year terms.

[T.C.A. §§16-442, 16-443, 16-446; Executive Secretary]

2.5.2 Administration

a. The presiding judge has no formal administrative duties other than to call a meeting for the consideration of supplementary procedural rules (reference Section 1.6).

b. There is no provision for an administrator for the Court of Criminal Appeals. Reference Section 5.2.b (state-level administrator).

c. The Supreme Court clerks also serve as the clerks for the Court of Criminal Appeals and perform the same duties and functions with regard to the court's operation (reference Section 1.5.c).

[T.C.A. §§16-446, 16-449]

2.6.2 Rule-making. Reference Section 1.6.

Courts of General Jurisdiction

3.1.1 CIRCUIT COURT. Terms of the Circuit Court and their duration vary depending on county and specific court. Generally the Circuit Court in each county has 3 terms per year (each up to 4 months duration). Certain courts are authorized to have more than these.

[T.C.A. §16-207 to §16-236]

3.2.1 Organization. There are 31 judicial circuits containing 1 or more counties. There are no specialized divisions of the court.

[T.C.A. §16-207 to §16-236]

3.3.1 Jurisdiction

a. The Circuit Court has jurisdiction over all criminal cases unless another court is expressly given this jurisdiction. The court hears civil cases involving contracts or demands where the amount in controversy exceeds $50 (in some larger counties the minimum amount is $3,000). Unless one party objects, the court can hear equity or chancery cases, divorce proceedings, landlord-tenant, and adoption cases.

b. The Circuit Court has appellate jurisdiction over all cases from limited jurisdiction courts. Appeals are by trial de novo.

[T.C.A. §16-502 to §16-512]

3.4.1 Judges (58)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. In four circuits that are coterminous with Chancery Divisions (reference section 3.2.3), all judges of the general jurisdiction courts sit as a committee to choose a presiding judge.

b. Circuit Court judges must be 30 years of age, must be attorneys, must have been residents of the state for 5 years, and must presently be residents of the districts they serve.

c. Circuit Court judges are elected to 8-year terms by the voters of their respective circuits.

[Const., Art. 6, §4; T.C.A. §§17-101, 17-102, 17-103, 17-119; Supreme Court Rule (hereinafter S.C.R.) 45; Executive Secretary]

3.5.1 Administration

a. There is no provision for a chief judge over all the circuits of the Circuit Court. The presiding judges of the four individual circuits (reference Section 3.4.1) are responsible for the assignment of cases among the courts of general jurisdiction within their respective circuits.

b. There are no provisions for an administrator over all the circuits of the Circuit Court or for administrators for the individual circuits. Reference Section 5.2.b (state-level administrator).

c. The Circuit Court clerks are elected to 4-year terms by the voters of their respective circuits. They are responsible for maintaining the records and dockets of the court, issuing legal process, recording in the minutes of the court the reports of indictments and judgment executions, and keeping the district attorneys advised as to the status of the criminal docket. The clerks also are responsible for collecting fees and other revenues.

[T.C.A. §§18-105, 18-401, 18-402; S.C.R. 45]

3.6.1 Rule-making. Reference Section 1.6.

3.1.2 CRIMINAL COURT. Terms of the Criminal Court and their duration vary depending on county and specific court. Generally, the Criminal Court in each county has three terms per year (each up to 4 months duration).

[T.C.A. §§16-210, 16-212, 16-214, 16-216, 16-220, 16-222, 16-224, 16-229, 16-234, 16-236]

3.2.2 Organization. There are 13 Criminal Courts established to assist with the criminal caseload of the Circuit Court. There are no specialized divisions of the court.

[T.C.A. §16-207 to §16-235; Executive Secretary]

3.3.2 Jurisdiction

a. The Criminal Court has concurrent jurisdiction with the Circuit Court in all criminal cases. Reference Section 3.3.1.a.

b. The Criminal Court has appellate jurisdiction over criminal cases from limited jurisdiction courts. Appeal is by trial de novo.

[T.C.A. §§16-502, 16-512]

3.4.2 Judges (26)

a. The Criminal Courts do not have a chief judge or presiding judges for the individual courts. Reference Section 3.4.1.a.

b. Criminal Court judges must meet the same qualifications as Circuit Court judges. Reference Section 3.4.1.b.

c. Criminal Court judges are elected to 8-year terms by the voters of their respective geographic jurisdictions.

[Const., Art. 6, §4; T.C.A. §§17-101, 17-102, 17-103, 17-119; Executive Secretary]

3.5.2 Administration

a. There are no provisions for a chief judge over all the circuits of the Criminal Court or for presiding judges for the individual courts. Reference Section 3.5.1.a.

b. There are no provisions for an administrator over all the circuits of the Criminal Court or for administrators for the individual courts. Reference Section 5.2.b (state-level administrator).

c. Criminal Court clerks are selected in the same manner and perform the same duties as Circuit Court clerks. Reference Section 3.5.1.c.

[T.C.A. §§18-105, 18-402]

3.6.2 Rule-making. Reference Section 1.6.

3.1.3 CHANCERY COURT. The Chancery Court in each county has two terms per year (each of up to 6 months duration). Certain courts are authorized to have more than these.

[T.C.A. §16-237 to §16-251]

3.2.3 Organization. The state contains 18 chancery divisions consisting of 1 or more counties.

[T.C.A. §16-237 to §16-255; Executive Secretary]

3.3.3 Jurisdiction

a. The Chancery Court has full equitable jurisdiction where over $50 is in controversy, and concurrent jurisdiction with the Circuit Court in all actions triable to those courts except for cases for unliquidated damages for injuries to property not resulting from breach of contract.

b. The Chancery Court hears appeals from administrative agencies, boards, and commissions.

[T.C.A. §§4-523, 16-601, 16-602]

3.4.3 Judges (27 chancellors)

a. The Chancery Court does not have a chief judge or presiding judges over the individual divisions. Four divisions that are coterminous with circuits have presiding judges. Reference Section 3.4.1.a.

b. Chancellors must meet the same qualifications as Circuit Court judges. Reference Section 3.4.1.b.

c. Chancellors are elected to 8-year terms by the voters of their respective divisions.

[Const., Art. 6, §4; T.C.A. §§17-101, 17-102, 17-103; Executive Secretary]

3.5.3 Administration

a. There are no provisions for a chief judge over all the divisions of the Chancery Court or for presiding judges for the individual Chancery Court except for the four divisions that are coterminous with circuits. Reference Section 3.5.1.a.

b. There are no provisions for an administrator over all the divisions of the Chancery Court or for administrators for the individual Chancery Courts. Reference Section 5.2.b (state-level administrator).

c. Clerks of the Chancery Court are appointed by the chancellors to 6-year terms. The clerks perform the same duties as the Circuit Court clerks (reference Section 3.5.1.c). They also have the power to perform as masters-in-chancery (reference Section 6.2.3).

[T.C.A. §§18-105, 18-501, 18-502, 18-503; Executive Secretary]

3.6.3 Rule-making. Reference Section 1.6.

3.1.4 LAW AND EQUITY COURT. The Law and Equity Court sits in continuous session.

3.2.4 Organization. Law and Equity Courts have been established in Blount, Dyer, Gibson, and Montgomery Counties. There are no specialized divisions of the court.

[T.C.A. §§16-242, 16-245, 16-249]

3.3.4 Jurisdiction

a. The Law and Equity Court has full concurrent jurisdiction with the Chancery Court (reference Section 3.3.3.a) and concurrent civil jurisdiction with the Circuit Court (reference Section 3.3.1.a).

b. The Law and Equity Court of Gibson County hears appeals from the General Sessions Court. The remaining courts have no appellate jurisdiction.

[T.C.A. §§16-242, 16-245]

3.4.4 Judges (5)

a. The Law and Equity Courts do not have a chief judge or presiding judges for the individual courts.

b. Law and Equity Court judges must meet the same qualifications as Circuit Court judges. Reference Section 3.4.1.b.

c. Law and Equity Court judges are elected to 8-year terms by the voters of their respective counties.

[Const., Art. 6, §4; T.C.A. §§17-101, 17-102, 17-103, 17-119; Executive Secretary]

3.5.4 Administration

a. There are no provisions for a chief judge over all the Law and Equity Courts in the separate counties or for presiding judges for the individual courts. Reference Section 3.5.1.a.

b. There are no provisions for an administrator over all the counties of the Law and Equity Court or for administrators for the individual courts. Reference Section 5.2.b (state-level administrator).

c. Clerks of the Law and Equity Court are selected in the same manner and perform the same duties as the Circuit Court clerks. Reference Section 3.5.1.c.

[T.C.A. §§18-101, 18-105, 18-402]

3.6.4 Rule-making. Reference 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. The County Court sits in continuous session.

[T.C.A. §16-707]

4.2.1 Organization. There is a County Court established in 68 counties in the state. There are no specialized divisions of the court.

[T.C.A. §6-701; Executive Secretary]

4.3.1 Jurisdiction

a. The County Court has original jurisdiction in the following cases: probate of wills, letters testamentary, executorships, decedents' estates, guardianship, juvenile (unless the judge is not a lawyer and there is a potential for confinement), partitions, name changes, competency hearings, and matters involving masters and apprentices.

b. The County Court has no appellate jurisdiction.

[T.C.A. §16-709; Executive Secretary]

4.4.1 Judges (68)

a. The County Courts do not have presiding judges.

b. County Court judges must be 30 years of age, and they must have been a resident of the state for 5 years and of the counties they serve for 1 year before being elected.

c. County Court judges are elected to 4-year terms by the qualified voters of their respective counties.

[Const., Art. 7, §1; T.C.A. §17-101; Executive Secretary]

4.5.1 Administration

a. There are no provisions for presiding judges over the counties of the County Court.

b. There are no provisons for administrators over the counties of the County Court. Reference Section 5.2.b (state-level administrator).

c. County clerks serve as clerks of the County Court. They are elected to 4-year terms by the voters of the counties. The duties of the clerks include managing the docket and records of the court, maintaining the library of the court, administering oaths to and receiving reports from administrators of estates, and maintaining certain revenue records.

[T.C.A. §18-105, §18-602 to §18-605]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 GENERAL SESSIONS COURT. General Sessions Court terms vary from county to county.

[Executive Secretary]

4.2.2 Organization. General Sessions Courts have been established in all but three counties. There are no specialized divisions of the court.

[T.C.A. §16-1101; Executive Secretary]

4.3.2 Jurisdiction

a. The General Sessions Court can hear misdemeanor cases if the defendant waives his rights to indictment, information, grand jury investigation, or jury trial, or if he pleads guilty. A fine of more than $50 cannot be imposed. If the offense automatically carries a greater penalty, it cannot be brought before the General Sessions Court. Generally, these courts have original jurisdiction over civil cases with less than $5,000 in controversy, all forcible entry and detainer cases, equity cases not exceeding $1,500 in controversy, and actions to recover personalty and debts not exceeding $10,000 in value. Some courts have juvenile jurisdiction. Special legislation has amended the jurisdiction of the General Sessions Court in certain counties.

b. The General Sessions Court has no appellate jurisdiction.

[T.C.A. §§16-1104, 19-301, 40-118]

4.4.2 Judges (92)

a. The General Sessions Courts do not have presiding judges.

b. General Sessions Court judges must be at least 30 years of age, must have been Tennessee residents for 5 years, and must have been residents of their respective counties for 1 year. Two counties, designated by population, have the additional requirement that judges be attorneys.

c. General Sessions Court judges are elected to 8-year terms by the voters of their respective counties.

[Const., Art. 6, §4; T.C.A. §§16-1105, 16-1106; Executive Secretary]

4.5.2 Administration

a. There are no provisions for presiding judges for the General Sessions Court.

b. There are no provisons for administrators for the General Sessions Court. Reference Section 5.2.b (state-level administrators).

c. Unless a separate clerk is provided for by special legislation, the clerk of the Circuit Court (reference Section 3.5.1.c) serves as the clerk of the General Sessions Court. The clerk's duties include issuance of process, setting bond in the absence of the judge, collection of fees, and maintenance of the court's records.

[T.C.A. §§16-1116, 16-1121, 16-1123, 18-409, 18-410]

4.6.2 Rule-making. The General Sessions Court is subject to the rules promulgated by the Supreme Court. Reference Section 1.6. The judges of the court, however, are authorized to adopt rules to expedite their caseload.

[T.C.A. §16-1120]

4.1.3 PROBATE COURT. The Probate Court terms vary from county to county.

[Executive Secretary]

4.2.3 Organization. Three Probate Courts have been established by special legislation and exercise countywide jurisdiction. There are no specialized divisions of the court.

[Executive Secretary]

4.3.3 Jurisdiction

a. The Probate Court, where established, exercises original jurisdiction in all probate matters initially assigned to the County Court.

b. The Probate Court has no appellate jurisdiction.

[F.S. Le Clercq, "The Tennessee Court System," 8 Memphis State University Law Revue 185, 461 (1978), (hereinafter Le Clercq)]

4.4.3 Judges (2; 1 county judge and 5 general sessions judges also serve)

a. The Probate Courts do not have presiding judges.

b. Two Probate Courts are presided over by Probate Court judges. In the remaining counties, the Probate Court is served by county judges and general sessions judges.

c. See Section 4.4.3.b above.

[Executive Secretary]

4.5.3 Administration

a. There are no presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrators).

c. There are no separate clerks for the Probate Court except in Shelby County. The clerk of the court that supplies the judge serves as clerk of the Probate Court as well. He has duties as prescribed by the judge of the Probate Court.

[Le Clercq; Executive Secretary]

4.6.3 Rule-making. Reference Section 1.6.

4.1.4 JUVENILE COURT. The Juvenile Court terms vary from county to county.

[Executive Secretary]

4.2.4 Organization. Juvenile Courts have been established in 16 counties by special legislation. There are no specialized divisions of the court.

[Le Clercq]

4.3.4 Jurisdiction

a. The Juvenile Court, where established, has jurisdiction over all juvenile matters usually handled by the County Court. Reference Section 4.3.1.a.

b. The Juvenile Court has no appellate jurisdiction.

[T.C.A. §§37-203, 37-204; Le Clercq]

4.4.4 Judges (6; 7 general sessions judges, 1 trial justice, and 2 county judges also serve)

a. The Juvenile Courts do not have presiding judges.

b. The requirements and selection process for each Juvenile Court judgeship vary from act to act.

c. See Section 4.4.4.b above.
[Le Clercq; Executive Secretary]

4.5.4 Administration

a. There are no provisions for presiding judges for the Juvenile Court.

b. There are no provisions for administrators for the Juvenile Court. Reference Section 5.2.b (state-level administrator).

c. County Court, General Sessions Court, or Circuit Court clerks usually serve as Juvenile Court clerks as well. The clerk is responsible for handling fees, process, records, and reports of the court.
[Le Clercq]

4.6.4 Rule-making. Reference Section 1.6.

4.1.5 TRIAL JUSTICE COURT. The Trial Justice Court terms vary from county to county.
[Executive Secretary]

4.2.5 Organization. The Trial Justice Court is located in two counties, Anderson and Sevier, and continues to have trial jurisdiction in lieu of the formation of a General Sessions Court. There are no specialized divisions of the court.
[T.C.A. §16-1101; Executive Secretary]

4.3.5 Jurisdiction

a. The Trial Justice Court has the same original civil jurisdiction as the General Sessions Court. Reference Section 4.3.2.a. Justices have criminal jurisdiction in cases where the possible fine does not exceed $50 and the sentence does not exceed 11 months and 29 days.

b. The Trial Justice Court has no appellate jurisdiction.
[T.C.A. §19-301]

4.4.5 Judges (2)

a. Trial Justice Courts do not have presiding judges.

b. Trial Justice Court judges must be 30 years of age, must have been residents of Tennessee for 5 years, and must have been residents of their respective counties for 1 year.

c. Trial Justice Court judges are elected to 8-year terms by voters in the county by partisan election.
[Executive Secretary]

4.5.5 Administration

a. There are no provisions for presiding judges for the Trial Justice Court.

b. There are no provisions for administrators for the Trial Justice Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Trial Justice Courts.

4.6.5 Rule-making. Reference Section 1.6. Certain rules of civil procedure are statutorily defined.
[T.C.A. §19-401 to §19-428]

4.1.6 MUNICIPAL COURT. The Municipal Court meets 5 days a week at 3:00 p.m.
[Chapter 244, House Bill No. 697]

4.2.6 Organization. The organization of the Municipal Court is contingent upon the form of municipal government installed. Consequently, organization varies with municipalities.

4.3.6 Jurisdiction

a. The Municipal Court has jurisdiction over violations of municipal ordinances and charters. The Municipal Court also has jurisdiction over other offenses where the fine does not exceed $50.

b. The Municipal Court has no appellate jurisdiction.
[Const., Art. 6, §14; T.C.A. §§40-407, 40-408; Le Clercq]

4.4.6 Judges (192)

a. The Municipal Courts do not have presiding judges.

b. The qualifications of Municipal Court judges vary according to locality.

c. The selection process for Municipal Court judges varies according to locality.
[T.C.A. §§6-2119, 6-3302; Executive Secretary]

4.5.6 Administration

a. There are no provisions for presiding judges over the Municipal Court.

b. There are no provisions for administrators of the Municipal Court.

c. Provisions for clerks vary according to locality.
[Le Clercq]

4.6.6 Rule-making. There are no statewide uniform rules of procedure for the Municipal Court. Consequently, each court is free to formulate its own procedural rules not inconsistent with state law.
[Le Clercq]

State-Level Adminstration

5.1 General administrative authority. The Supreme Court is vested with supervisory control over general jurisdiction and appellate courts in the state. The court is statutorily empowered to "take all . . . action . . . necessary to the orderly administration of justice within the state." The Chief Justice has the authority to temporarily assign judicial personnel. Primarily through the Executive Secretary, he supervises the courts' financial, educational, planning, and operations affairs. He is the chief representative of the court system. Through the Executive Secretary he supervises the administrative staff. Reference Section 1.5.a.
[T.C.A. §§16-330, 16-331; Office of the Executive Secretary]

5.2 Office of the Executive Secretary to the Supreme Court

a. This office was created by statute "to assist in improving the administration of justice in Tennessee."

b. Executive Secretary

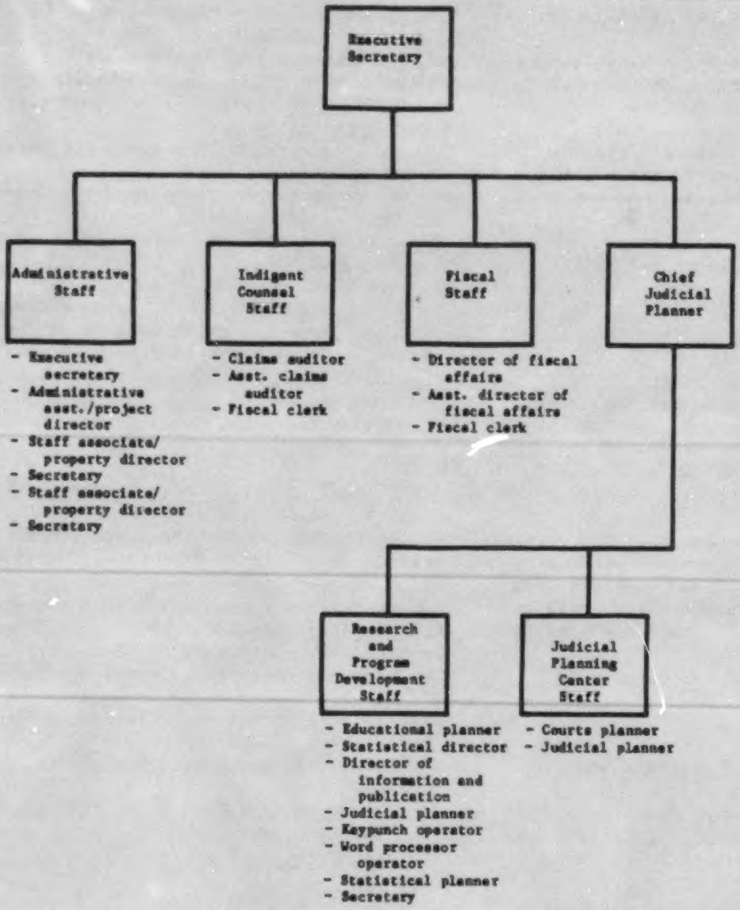
(1) This position is statutorily authorized.

(2) The Executive Secretary is appointed by the Supreme Court and serves at its pleasure. He must have been a resident of the state for 5 years and must be a member of the Tennessee Bar. The Executive Secretary is barred from practicing law while in office.

(3) The Executive Secretary performs all duties assigned to him by the Supreme Court in order to expedite litigation and improve court administration. He is also charged with administering the judicial budget of the state, providing secretariat services for the Judicial Council (reference Table 29: Judicial councils and conferences), and maintaining "minimum law libraries" for all courts of record in the state to the extent of his budgetary capabilities.

c. Office organization. The Executive Secretary is authorized to appoint a staff of assistants, clerical workers, and others as necessary to perform his duties. The Office of the Executive Secretary to the Supreme Court consists of 20 people: 16 professionals (including the Executive Secretary) and 4 clerical personnel. The professional staff provides support services in the following areas: systems analysis and programming; payroll; education; office management; legislative, executive, public, and media information; and plan-

Figure 2: Tennessee state-level administrative office of the courts, 1980


Executive Secretary
Administrative Staff
- Executive secretary
- Administrative asst./project director
- Staff associate/property director
- Secretary
- Staff associate/property director
- Secretary
Indigent Counsel Staff
- Claims auditor
- Asst. claims auditor
- Fiscal clerk
Fiscal Staff
- Director of fiscal affairs
- Asst. director of fiscal affairs
- Fiscal clerk
Chief Judicial Planner
Research and Program Development Staff
- Educational planner
- Statistical director
- Director of information and publication
- Judicial planner
- Keypunch operator
- Word processor operator
- Statistical planner
- Secretary
Judicial Planning Center Staff
- Courts planner
- Judicial planner

ning and research activities, which include judicial planning.

[T.C.A. §16-235 to §16-328; Executive Secretary]

Quasi-Judicial Officers

6.1.1 ALL TRIAL COURTS
6.2.1 Commissioner

a. The positions require only that commissioners be disinterested parties and not related to any party to the case. They are appointed by the court or clerk.

b. Commissioners are empowered to issue subpoenas and take depositions.

[T.C.A. §§24-920, 24-922]

6.1.2 ALL TRIAL COURTS
6.2.2 Special masters

a. There are no formal qualifications for special masters. Chancery Court clerks have full powers as masters by virtue of their office. Masters are court-appointed otherwise.

b. Special masters are empowered to conduct hearings, take evidence, and report to the appointing court on particular issues. Masters have the power to subpoena.

[T.C.A. §18-503; Rules of Civil Procedure (R.C.P.) 53.01, 53.02, 53.03]

6.1.3 CIRCUIT COURT, CHANCERY COURT, LAW AND EQUITY COURT, AND COUNTY COURT
6.2.3 Commissioner in chancery

a. Commissioners in chancery are appointed by the court and are only required to be "respectable freeholders."

b. Three or more commissioners are appointed to partition and sell land in accordance with a judgment of the appointing court.

[T.C.A. §16-712, §23-2117 to §23-2121]

Judicial Discipline

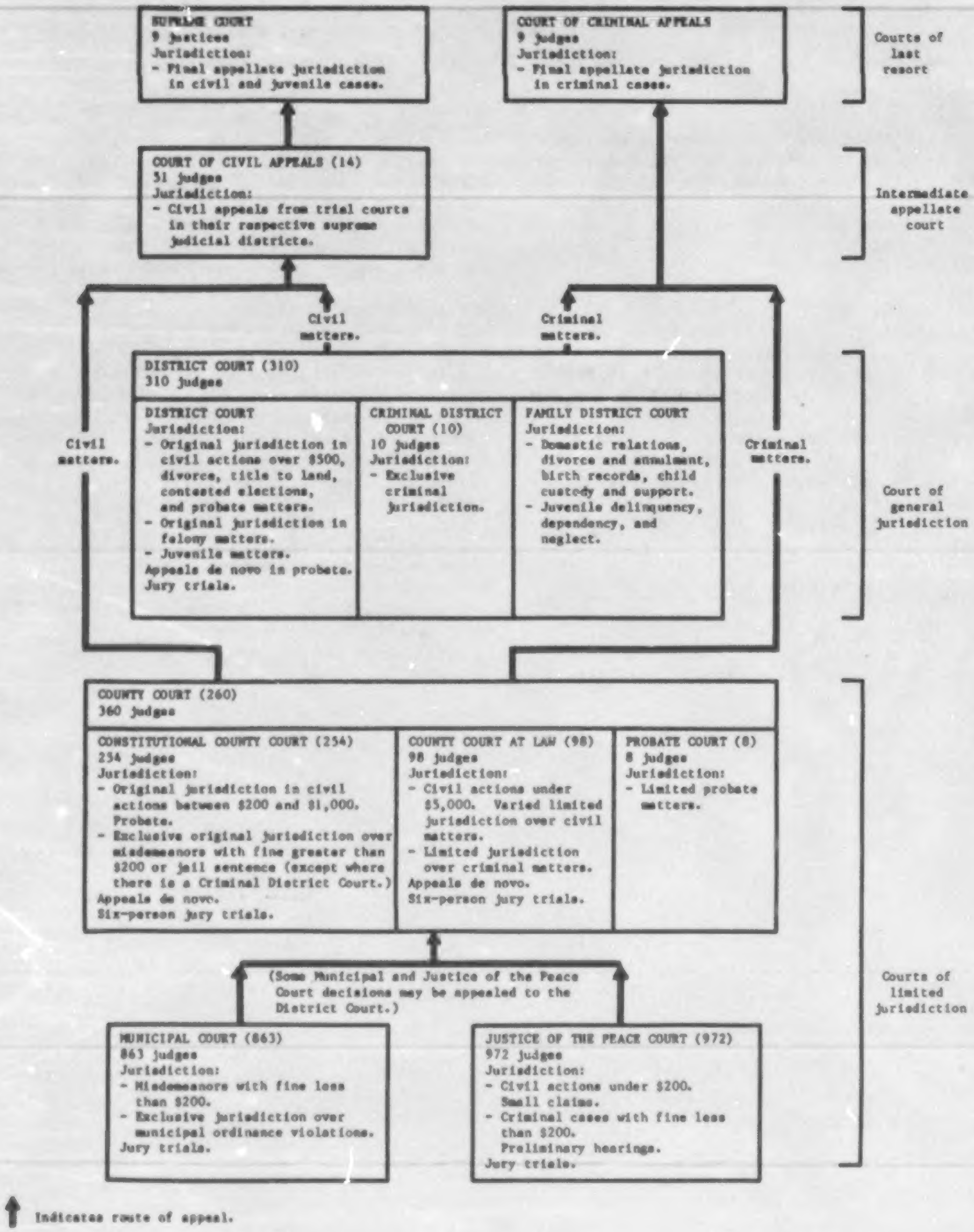
7.1 COURT OF THE JUDICIARY. The court consists of 11 persons: three appellate judges, appointed by the Supreme Court; one trial judge from each of the three grand divisions of the state, appointed by the Supreme Court; one practicing attorney from each grand division, appointed by the Board of Governors of the Tennessee Bar; and two lay persons, one appointed by each house of the Tennessee legislature.

[T.C.A. §17-804]

7.2 Authority and procedure for sanction. When a charge against any judge is made to the court, a preliminary examination is made to determine if the complaint is frivolous or deserving of further attention. An investigating officer makes this examination and reports to the court. If a minor infraction is found to have occurred, a simple cease and desist order is issued. If a major offense is found to have possibly occurred, the matter proceeds to trial before the court. The accused has the right to appeal any adverse judgment of the court to the Supreme Court. If the Supreme Court affirms and the penalty imposed is removal from office, the judgment is reviewed further by the General Assembly of the state where a two-thirds vote of each house is required for actual removal.

[T.C.A. §17-814 to §17-821]

Figure 1: Texas court system, 1980


SUPREME COURT
9 justices
Jurisdiction:
- Final appellate jurisdiction in civil and juvenile cases.
COURT OF CRIMINAL APPEALS
9 judges
Jurisdiction:
- Final appellate jurisdiction in criminal cases.
Courts of last resort
COURT OF CIVIL APPEALS (14)
51 judges
Jurisdiction:
- Civil appeals from trial courts in their respective supreme judicial districts.
Intermediate appellate court
Civil matters.
Criminal matters.
DISTRICT COURT (310)
310 judges
DISTRICT COURT
Jurisdiction:
- Original jurisdiction in civil actions over $500, divorce, title to land, contested elections, and probate matters.
- Original jurisdiction in felony matters.
- Juvenile matters.
Appeals de novo in probate.
Jury trials.
CRIMINAL DISTRICT COURT (10)
10 judges
Jurisdiction:
- Exclusive criminal jurisdiction.
FAMILY DISTRICT COURT
Jurisdiction:
- Domestic relations, divorce and annulment, birth records, child custody and support.
- Juvenile delinquency, dependency, and neglect.
Civil matters.
Criminal matters.
Court of general jurisdiction
COUNTY COURT (260)
360 judges
CONSTITUTIONAL COUNTY COURT (254)
254 judges
Jurisdiction:
- Original jurisdiction in civil actions between $200 and $1,000. Probate.
- Exclusive original jurisdiction over misdemeanors with fine greater than $200 or jail sentence (except where there is a Criminal District Court.)
Appeals de novo.
Six-person jury trials.
COUNTY COURT AT LAW (98)
98 judges
Jurisdiction:
- Civil actions under $5,000. Varied limited jurisdiction over civil matters.
- Limited jurisdiction over criminal matters.
Appeals de novo.
Six-person jury trials.
PROBATE COURT (8)
8 judges
Jurisdiction:
- Limited probate matters.
(Some Municipal and Justice of the Peace Court decisions may be appealed to the District Court.)
MUNICIPAL COURT (863)
863 judges
Jurisdiction:
- Misdemeanors with fine less than $200.
- Exclusive jurisdiction over municipal ordinance violations.
Jury trials.
JUSTICE OF THE PEACE COURT (972)
972 judges
Jurisdiction:
- Civil actions under $200. Small claims.
- Criminal cases with fine less than $200. Preliminary hearings.
Jury trials.
Courts of limited jurisdiction
Indicates route of appeal.

TEXAS

Courts of Last Resort

1.1.1 SUPREME COURT. The Supreme Court holds one term coincident with the calendar year in Austin, the state capital.

[Constitution, Article V, Sections 3, 3a]

1.2.1 Organization. The constitution provides that five of the nine Supreme Court justices constitute a quorum and the concurrence of five is necessary for a decision. When business requires, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters.

[Const., Art. V, §2]

1.3.1 Jurisdiction

a. The Supreme Court has original jurisdiction to issue necessary writs and to conduct proceedings for involuntary retirement or removal of judges.

b. The Supreme Court has statewide final appellate jurisdiction in civil and juvenile cases only.

[Const., Art. V, §3; Vernon's Annotated Civil Statutes (hereinafter V.A.C.S.), Articles 1728, 1733; Fifty First Annual Report, Texas Judicial Council, and Third Annual Report, Office of Court Administration, April 1980 (hereinafter 1979 Annual Report]

1.4.1 Justices (9)

a. The Chief Justice is elected to a 6-year term by the qualified voters of the state at a general election.

b. Supreme Court justices must be citizens of the United States and of the state, must be at least 35 years of age, and must have been practicing lawyers or a combination of lawyer and judge of a court of record together for at least 10 years.

c. Supreme Court justices are elected (three of them every 2 years) in partisan, statewide elections. All justices, including the Chief Justice, serve 6-year overlapping terms. Vacancies are filled by the Governor with the advice and consent of the Senate. Appointed justices serve until the next succeeding general election.

[Const., Art. V, §§2, 28; Administrative Director; 1979 Annual Report, p. 9]

1.5.1 Administration

a. The Supreme Court exercises administration and supervision of the entire court system through the Chief Justice, the Administrative Director of the Courts, the presiding judges of the nine judicial districts, District Court county presiding judges and court coordinators, Constitutional County Court presiding judges and court coordinators, court administrators for the County Court at Law, and Municipal Court presiding judges. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties with regard to the administration of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court, a position authorized by the constitution, is appointed by the court to a 4-year term. There are no statutory provisions for assigning administrative duties to the clerk. He has responsibilities as determined by the court.

[Const., Art. V, §3; V.A.C.S., Arts. 1718, 1720]

1.6.1 Rule-making. The Supreme Court is constitutionally empowered to make and enforce all necessary rules of practice and procedure, not inconsistent with the law, for the government of the court and all other courts of the state. Statutes further provide that in order to confer upon and relinquish to the Supreme Court full rule-making power in civil judicial proceedings, all laws governing such procedure are repealed. Thereby, the Supreme Court is granted full rule-making power in civil actions. The Supreme Court is statutorily authorized to promulgate rules of administration for the efficient administration of justice in the state. When promulgating rules for the administration of criminal justice, the Supreme Court must seek the advice of the Court of Criminal Appeals.

[Const., Art. V, §25; V.A.C.S. Arts. 1731, 1731a, 2328b]

1.1.2 COURT OF CRIMINAL APPEALS. The Court of Criminal Appeals sits in Austin from the first Monday in October to the first Saturday in September each year.

[Const., Art, V, §5; V.A.C.S., Art. 1804]

1.2.2 Organization. For the purpose of hearing cases, the Court of Criminal Appeals may sit in panels of three judges as designated by rule of the court. In a panel of three, two judges constitute a quorum and the concurrence of two is necessary for a decision. The presiding judge, under rules established by the court, must convene the court en banc for the transaction of all other business and may convene the court en banc for the purpose of hearing cases. The court must sit en banc during proceedings involving capital punishment and other cases as required by law. When convened en banc, five judges constitute a quorum and the concurrence of five is necessary for a decision.

[Const., Art. V, §4]

1.3.2 Jurisdiction

a. The Court of Criminal Appeals has original jurisdiction to issue writs of habeas corpus and other writs necessary to its jurisdiction.

b. The Court of Criminal Appeals has statewide final appellate jurisdiction in all criminal cases.

[Const., Art. V, §5]

1.4.2 Judges (9)

a. The Presiding Judge is elected to a 6-year term by popular vote in a partisan election.

b. Court of Criminal Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.1.b.

c. Court of Criminal Appeals judges are elected by the voters of the state in partisan elections. All judges serve 6-year overlapping terms. Vacancies are filled by the Governor, with the advice and consent of the Senate. Appointed judges serve until the next general election.

[Const., Art. V, §4; V.A.C.S., Art. 1802; Administrative Director; 1979 Annual Report, p. 10]

1.5.2 Administration

a. The Presiding Judge has no specifically articulated duties with regard to the administration of the Court of Criminal Appeals.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk, whose position is authorized by the constitution, is appointed by the court for a 4-year term. There are no statutory provisions for assigning administrative duties to the clerk. He has responsibilities as determined by the court.

[Const., Art. V, §5; V.A.C.S., Art. 1808]

1.6.2 Rule-making. The court has no constitutional or statutory rule-making authority. Procedure is governed by the Code of Criminal Procedure.

Intermediate Appellate Court

2.1 COURT OF CIVIL APPEALS. The term of the Court of Civil Appeals is from the first Monday in October of each year until the first Monday in October of the following year.

[V.A.C.S., Art. 1816]

2.2 Organization. A Court of Civil Appeals sits in each of 14 supreme judicial districts around the state. Eleven courts currently consist of three justices, two of whom constitute a quorum; and the concurrence of two is necessary for a decision. Three of the 14 Courts of Civil Appeals consist of six justices and may sit in panels of not less than three justices. The concurrence of a majority of a panel is necessary for a decision. Effective January 1983, a fourth court will consist of six justices. Each of the remaining courts will continue to consist of three judges.

[Const., Art. V, §6; V.A.C.S., Arts. 1812, 1817]

2.3 Jurisdiction

a. The Courts of Civil Appeals have limited original jurisdiction to issue writs necessary to enforce their jurisdiction.

b. The Courts of Civil Appeals have intermediate appellate jurisdiction in civil cases only from trial courts in their respective supreme judicial districts.

[Const., Art. V, §6; V.A.C.S., Arts. 1819, 1823; 1979 Annual Report, p. 10]

2.4 Justices (51)

a. There is no provision for a chief justice over all the supreme judicial districts of the Court of Civil Appeals. Each of the 14 supreme judicial districts has a chief justice, who is elected to a 6-year term by the voters of the district in a general election.

b. Court of Civil Appeals justices must meet the same qualifications as Supreme Court justices. Reference Section 1.4.1.b.

c. Court of Civil Appeals justices are elected by the voters of their respective districts. They serve 6-year overlapping terms.

[Const., Art. V, §6; Administrative Director]

2.5 Administration

a. Whereas there is no provision for a chief justice over all the supreme judicial districts of the Court of Civil Appeals, there is a chief justice, however, for each of the 14 supreme judicial districts. The chief justices have no specifically articulated duties with regard to the administration of the Court of Civil Appeals.

b. There is no provision for an administrator for the Court of Civil Appeals. Reference Section 5.2.b (state-level administrator).

c. The constitution provides that each Court of Civil Appeals may appoint a clerk in the same manner as the Supreme Court. There are no statutory provisions for assigning administrative duties to the clerks. They have responsibilities as determined by the court.

[Const., Art. V, §6; V.A.C.S., Art. 1831 to Art. 1836]

2.6 Rule-making. The Supreme Court makes rules of civil practice and procedure and rules of court administration for use in the Court of Civil Appeals.

[Const., Art. V, §25; V.A.C.S., Arts. 1731, 2328b]

Court of General Jurisdiction

3.1 DISTRICT COURT. Each court holds at least two terms per year.

[Const., Art. V, §6; V.A.C.S., Art. 1919]

3.2 Organization. The constitution provides that the state will be divided into as many single-judge judicial districts as provided by law. There are approximately 310 separate District Courts, identified by separate numbers, each having its own judge and geographical jurisdiction. In a number of areas, the geographical jurisdiction of two or more District Courts is overlapping. The court sits at the county seat of each county included in each respective geographical district. Statutes determine which District Courts are primarily responsible for criminal, civil, or family matters. Geographical locations of Family District Courts and Criminal District Courts are provided in the statutes. For administrative purposes, the state is divided into nine administrative judicial districts, each headed by a presiding judge.

[V.A.C.S., Arts. 199a, 200a, 1926a, 1926-1 et. seq.; 1976 Annual Report, p. 6; Administrative Director]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all felonies, cases of divorce, title to land, contested elections, civil matters involving $500 or more, and probate matters. In addition, these courts have general jurisdiction over all causes of action for which a remedy or jurisdiction is not provided by law or by the constitution, and have the power to issue necessary writs.

Most District Courts exercise both criminal and civil jurisdiction, but in the metropolitan areas, there is a tendency for the courts to specialize in either criminal or civil cases. Several District Courts are specifically established by law and designated as Criminal District Courts. In general these courts exercise exclusively criminal jurisdiction, although in some courts the jurisdiction has been increased to include civil matters such as divorce, dependent and delinquent children, adoption, and habeas corpus proceedings.

In addition, Family District Courts have been created by law to replace Domestic Relations Courts and special Juvenile Courts. Each has the jurisdiction and power provided for the District Court by the constitution and laws of the state. Its jurisdiction is concurrent with that of other District Courts in the county in which it is located. A Family District Court has primary responsibility for cases involving family law matters. Statutes specify, however, that the act creating them does not limit the jurisdiction of other District Courts nor relieve them of responsibility for handling cases involving family law matters.

b. The District Court has appellate jurisdiction in probate matters and general supervisory control over Commissioner's Courts (made up of one commissioner from each of the four county precincts and the county judge, who serve as the county governing board).

[Const., Art. V, §8; V.A.C.S., Art.'s 1906 to 1918, 1926a, 1926-1 *et. seq.*, 2339, 2342, 2352; *1976 Annual Report*, p. 17]

3.4 Judges (310)

a. There is no provision for a chief judge over all the districts of the District Court. There is a presiding judge, however, for each of the nine administrative judicial districts. The presiding judges are appointed by the Governor to 4-year terms with the advice and consent of the Senate.

b. District Court judges must be citizens of the United States and of Texas, must have been residents of the district for 2 years, must be at least age 25, must be licensed to practice law in the state, and must have been a practicing lawyer or judge for 4 years. To qualify as a presiding judge of an administrative judicial district, a person must be a regularly elected district judge, a retired district judge, or an active or retired appellate judge with judicial experience on a District Court who, if retired, voluntarily retired from office. The person must reside within the district and must have certified his willingness to serve as a presiding judge.

c. District Court judges are elected by the qualified voters of their respective districts at the general election. They serve 4-year terms.

[Const., Art. V, §§7, 7p, 28; V.A.C.S., Arts. 200a, 1884]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the districts of the District Court, the presiding judges of the administrative judicial districts are responsible for the administration of their respective districts. Each presiding judge may assign any active or retired district judge residing within his administrative judicial district to serve in any of the district-level courts within the district. The presiding judge of one district may request the presiding judge of another to assign district judges from his district to sit in a District Court of the judge making the request. The presiding judge convenes an annual conference of the judges within the administrative judicial district to consult on the state of the business in the courts. In any county in which there are three or more district-level courts, the judges of those courts may elect a presiding judge who, subject to the local rules, may assign and transfer cases and judges among the courts in the county. The law also provides that, subject to the local rules, the presiding judge may appoint presiding judges for courts assigned to specific classes of cases such as civil, criminal, or juvenile. Pursuant to specific court-creating legislation, district judges in other counties may select presiding judges.

b. There is no provision for an administrator over all the districts of the District Court. Reference Section 5.2.b (state-level administrator). The Criminal District Courts and the District Courts of general jurisdiction in counties with a population greater than 700,000 that give preference to criminal cases may establish and maintain a court coordinator system, and designate the duties to be performed by the coordinator to improve criminal justice and expedite the processing of criminal cases through the District Court. Court coordinators are appointed by and serve at the pleasure of the District Court. There are no statutory provisions for court coordinators or administrators for the Family District Court or the District Court emphasizing civil cases.

c. The constitution provides for the election of a clerk for the District Court of each county every 4 years. The district clerk also serves the Family and Criminal District Courts in the same county. In counties with a population under 8,000, a single clerk is elected to perform the duties of the district clerk and the county clerk unless a majority of the qualified voters elect to keep the offices of county and district clerk separate. There are no statutory provisions for assigning administrative duties to the district clerk. He has responsibilities as determined by the court. Four statutes provide for the appointment by the district judges in a county of an "assignment clerk" to serve the courts in the setting of cases and disposing of cases.

[Const., Art. V, §§9, 20; V.A.C.S., Arts. 119(11), 119(14), 199(37), 200a, 200b, 1894 to 1905, 1926a, 1926-1 *et. seq.*, 2092 subd. 18a, 2093c, 2093d, 2093e, 2093f; Administrative Director]

3.6 Rule-making. The Supreme Court is empowered to make and enforce all necessary rules of civil procedure and practice and rules of administration for use in the District Court. Criminal procedure is governed by the Code of Criminal Procedure. An annual Conference of District Judges (reference Table 29: Judicial councils and conferences) in each administrative judicial district is convened by the presiding judge. The conference is empowered to adopt rules for the administration of cases in the administrative district. In any county in which there are three or more district-level courts, the judges of those courts may make rules governing assignment, docketing, transfer and hearing of cases, and rules of practice and procedure not inconsistent with statutes or the Texas Rules of Civil Procedure.

[Const., Art. V, §25; V.A.C.S., Arts. 200b, 1731, 2328b; *1976 Annual Report*, p. 36]

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. The Texas Constitution provides for a County Court in each county presided over by the county judge. To relieve the calendar congestion of the single Constitutional County Courts; the legislature has established special courts called Probate Courts and County Courts at Law in certain counties having large populations. The Constitutional County Court must hold at least four terms for both criminal and civil business annually. The County Court at Law holds terms beginning on the first Monday in February, May, August, and November. The court remains in session for 3 weeks provided it stays open at all times for the transaction of probate business.

[V.A.C.S., Art. 1961; 1979 Annual Report, p. 9; Administrative Director]

4.2.1 Organization. The constitution provides for a County Court of Record in each county of the state with one judge per court. Each County Court at Law is located at the county seat, with one judge per court.

[Const., Art. V, §15; V.A.C.S., Art. 1970]

4.3.1 Jurisdiction

a. The Constitutional County Court has exclusive original jurisdiction over all misdemeanors involving a fine in excess of $200 or a jail sentence, but criminal jurisdiction does not exist in any county that has a Criminal District Court. The Constitutional County Court has jurisdiction in the forfeiture of bonds, and may issue writs of habeas corpus unless such jurisdiction was conferred upon the District Court. The Constitutional County Court has exclusive original jurisdiction in civil cases where the contested amount is between $200 and $500, and concurrent jurisdiction with the District Court in cases involving between $500 and $1,000. The court has general probate jurisdiction. The original jurisdiction of the special county courts (County Courts at Law and Probate Courts) varies according to the statute under which each court was created. The courts have varied names, reflecting the fact that some of these courts are intended to exercise subject-matter jurisdiction in only limited fields, such as criminal, civil, or probate; but the names do not always disclose their complete jurisdiction. All County Courts at Law have civil jurisdiction over cases involving up to $5,000. The Probate Court handles probate matters only.

b. The Constitutional County Court has de novo appellate jurisdiction in cases tried in the Municipal and Justice Courts when the amount in controversy exceeds $20.

Some County Courts at Law have appellate jurisdiction over cases appealed from Justice of the Peace or Municipal Courts.

[Const., Art. V, §16; V.A.C.S., Arts. 1949, 1950, 1960-1, 1960-2, 1960-3, 1960-4, 1961, 1970, 1970a, 1970-1 et. seq.; 1976 Annual Report, p. 18; 1979 Annual Report, p. 8]

4.4.1 Judges. There are 254 judges serving the Constitutional County Court, 98 judges serving the County Court at Law, and 8 judges serving the Probate Court.

a. Statutes provide that the judges of courts having county-level criminal jurisdiction in counties with a population over 1,500,000 in which there are nine or more such courts may select from their number a presiding judge. The presiding judge is elected by a vote of two-thirds of the judges of such courts. He is elected to a term of 6 months and serves until his successor is elected.

b. Constitutional County Court judges must be "well informed in the law of the state." There are no further qualifications for presiding judges. Qualifications for judges of the County Court at Law and Probate Court vary according to the statute that created the court. Some include 2 to 5 years of experience as a practicing attorney and the requirement of residence in the county.

c. Constitutional County Court judges are elected by the qualified voters of their respective counties. They serve 4-year terms. Selection may vary, but County Court at Law judges are generally elected in countywide partisan elections; vacancies between elections are filled by county commissioners. Terms may vary, but are generally 4 years.

[Const., Art. V, §§15, 28; V.A.C.S., Arts. 1934d, 1970-1 et. seq.; 1976 Annual Report, p. 19; Administrative Director]

4.5.1 Administration

a. Presiding judges exist in counties with a population greater than 1,500,000 in which there are nine or more courts having county-level criminal jurisdiction. The presiding judge presides at any session of the judges of the courts and is an ex officio member of all committees created by the judges pertaining to the administration of justice and the dispatch of business. The presiding judge is chief administrator of the office of County Court coordinators. He is in charge of pretrial release and other court-related services in misdemeanor cases.

b. In counties with a population over 1,500,000, a court manager and coordinator system may be established for the Constitutional County Court and the County Court at Law exercising criminal jurisdiction. The courts may by rule designate and set out the qualifications of and duties to be performed by the court manager and coordinators to improve criminal justice and expedite the processing of criminal cases through the County Courts. A County Court at Law that has criminal jurisdiction in a county that has more than one court may establish and maintain a court administration system if approved by the Commissioner's Court. Reference Section 3.3.b. The courts designate the duties of the court administrator, who is appointed by and serves at the pleasure of the judges of such courts.

c. The constitution provides for the election of county clerks every 4 years who serve as clerks of the Constitutional County Court. Clerks are authorized to issue marriage licenses, administer oaths, take depositions, act as county recorders, and keep court records. The county clerk may appoint deputies.

In general, the County Court at Law and the Probate Court are served by the county clerk.

[Const., Art. V, §20; V.A.C.S., Arts. 1934b, 1934c, 1934d, 1935, 1938, 1970-1 et. seq.]

4.6.1 Rule-making. The Supreme Court may promulgate rules of civil procedure and practice and rules of administration for use in the County Court. Criminal procedure is governed by the Code of Criminal Procedure. The judges of courts having county-level criminal jurisdiction in counties with a population over 1,500,000 in which there are nine or more such courts may adopt rules not inconsistent with the Code of Criminal Procedure and the Texas Rules of Civil Procedure for practice and procedure in such courts. A rule may be adopted by a two-thirds vote of the judges.

[Const., Art. V, §25; V.A.C.S., Arts. 1731, 1934d, 2328b]

4.1.2 JUSTICE OF THE PEACE COURT. Each justice holds a term of his court for civil business once in each month. He may transact business out of term time as authorized by law.

[V.A.C.S., Art. 2380]

4.2.2 Organization. The constitution provides that each county is to be divided into between four and eight justice precincts, each of which has one elected justice of the peace. If a precinct includes a city of 8,000 or more inhabitants, one additional justice is elected. The Justice of the Peace Court also functions as a Small Claims Court.

[Const., Art. V, §18; V.A.C.S., Art. 2460a]

4.3.2 Jurisdiction

a. The Justice of the Peace Court has original jurisdiction in both criminal and civil cases when the amount in controversy or the fine does not exceed $500. The Small Claims Court has jurisdiction in disputes over unpaid wages and salaries when the contested amount does not exceed $200 and in controversies over uncollected bills when the amount does not exceed $150. Justices may issue warrants and conduct preliminary hearings.

b. The Justice of the Peace Court has no appellate jurisdiction.

[Const., Art. V, §19; V.A.C.S, Art. 2460a;
Code of Criminal Procedure, Art. 45.18,
Sections 2.09, 16.01]

4.4.2 Judges (972)

a. The Justice of the Peace Court does not have presiding judges.

b. There are no formal qualifications for the position of justice of the peace.

c. Justices of the peace are elected by the voters of the precinct. They serve 4-year terms.

[Const., Art. V, §18; Administrative Director]

4.5.2 Administration

a. There are no provisions for presiding judges for the Justice of the Peace Court.

b. There are no provisions for administrators for the Justice of the Peace Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Justice of the Peace Court. The justice himself is charged with keeping books and records.

[V.A.C.S., Art. 2383]

4.6.2 Rule-making. The Justice of the Peace Court has no constitutional or statutory rule-making authority. Criminal procedure is governed by the Code of Criminal Procedure, Arts. 45.01 *et. seq.* Civil procedure is in accordance with the Texas Rules of Civil Procedure. The Supreme Court may promulgate rules of administration.

[V.A.C.S., Art. 2328b; Administrative Director]

4.1.3 MUNICIPAL COURT. Where terms exist, they are determined by local ordinance.

[Administrative Director]

4.2.3 Organization. Authorized by statute, the Municipal Court is established in cities, towns, and villages of the state. Metropolitan cities may have more than one Municipal Court. There are no specialized divisions of the court.

[V.A.C.S., Arts. 1194, 1194A, 1200a *et. seq.*]

4.3.3 Jurisdiction

a. The Municipal Court has original and exclusive jurisdiction over ordinance violations (primarily traffic offenses), and concurrent jurisdiction with the Justice of the Peace Court in misdemeanor cases resulting from violations of state laws within the city limits, where punishment does not exceed a $200 fine.

b. The Municipal Court has no appellate jurisdiction.

[V.A.C.S., Art. 1195]

4.4.3 Judges (863)

a. If the Municipal Court has more than one judge, the local governing body may designate a presiding judge.

b. Qualifications for Municipal Court judges vary according to municipal ordinances; however, in the courts of record the judge must be a licensed attorney.

c. Municipal Court judges may be appointed or elected, as governed by municipal charter. They generally serve 2-year terms.

[V.A.C.S., Arts. 1194, 1196, 1197, 1198, 1200a *et. seq.*; Administrative Director]

4.5.3 Administration

a. Administrative duties of presiding judges in multi-judge Municipal Courts are locally determined.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. Clerks are selected by the city governing body or, if provided by ordinance, the city secretary serves as clerk. Administrative responsibilities are locally determined.

[V.A.C.S., Art. 1200]

4.6.3 Rule-making. The Municipal Court has no constitutional or statutory rule-making authority. Procedure is specified by the Code of Criminal Procedure, Arts. 45.01 *et. seq.* The Supreme Court may promulgate rules of administration.

[V.A.C.S., Art. 2328b]

State-Level Administration

5.1 General administrative authority. The Supreme Court is statutorily authorized to promulgate rules of administration for the efficient administration of justice in Texas. When promulgating rules for the administration of criminal justice, it must seek the advice of the Court of Criminal Appeals. The Supreme Court supervises and directs the Office of Court Administration. The Chief Justice has a number of responsibilities relating to the assignment of judges. Reference Section 1.5.1.a.

[V.A.C.S., Art. 2328b]

5.2 Office of Court Administration

a. The Office of Court Administration is authorized by statute.

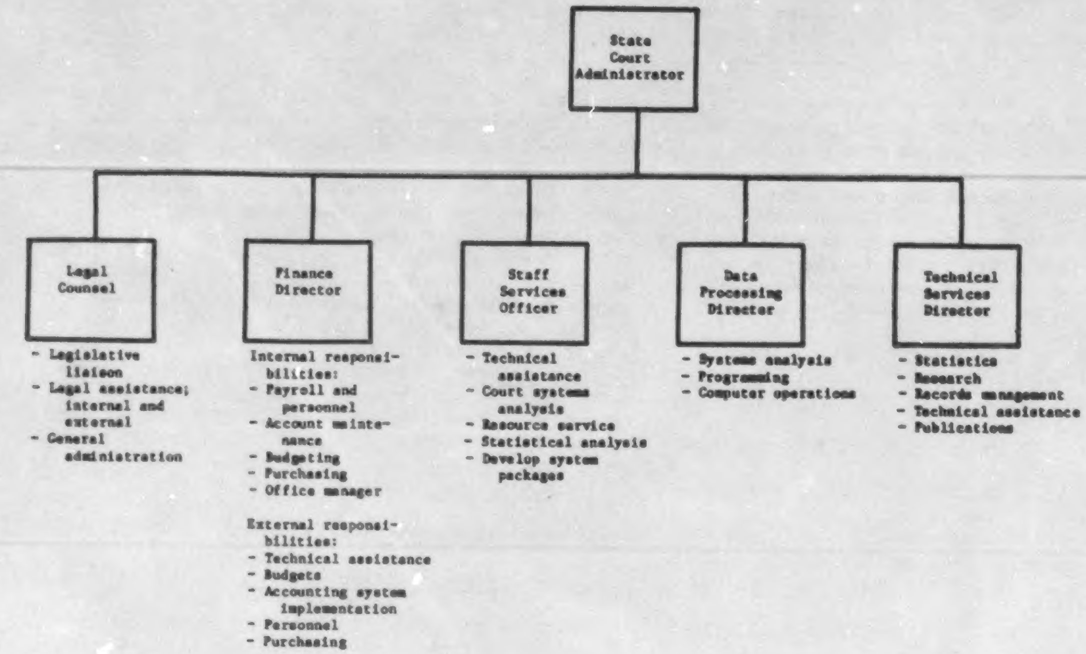
b. Administrative Director of the Courts

(1) The position of Administrative Director of the Courts is authorized by law.

(2) No statutory qualifications are prescribed for the position. The qualifications are determined by the Chief Justice. The Administrative Director is appointed by and serves at the pleasure of the Supreme Court.

(3) The Administrative Director supervises the operations of the Office of Court Administration and serves as Executive Director of the Texas Judicial Council (reference Table 29: Judicial councils and conferences). Under the direction and supervision of the Chief Justice, the Administrative Director performs a number of duties, including making recommendations regarding forms, methods, and systems used in clerks' offices and other offices serving the courts; examining dockets and practices and procedures of the courts, and making recommendations for the efficient administration of justice; preparing and submitting budget estimates of state appropriations for the maintenance and operation of the judicial system, and studying and making recommendations on the expenditure of state funds; and preparing an annual report of the activities of his office to be published in the annual report of the Texas Judicial Council.

Figure 2: Texas state-level administrative office of the courts, 1980


State Court Administrator
Legal Counsel
- Legislative liaison
- Legal assistance; internal and external
- General administration
Finance Director
Internal responsibilities:
- Payroll and personnel
- Account maintenance
- Budgeting
- Purchasing
- Office manager
External responsibilities:
- Technical assistance
- Budgets
- Accounting system implementation
- Personnel
- Purchasing
Staff Services Officer
- Technical assistance
- Court systems analysis
- Resource service
- Statistical analysis
- Develop system packages
Data Processing Director
- Systems analysis
- Programming
- Computer operations
Technical Services Director
- Statistics
- Research
- Records management
- Technical assistance
- Publications

c. Office organization. The Office of Court Administration consists of 16 people: 7 professionals (including the Administrative Director) and 9 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, forms development, and field representation; court services; payroll, accounting, budgeting, and purchasing; personnel systems and office management; legislative, executive, public, and media information, legislative liaison, and executive liaison; and in planning and research activities, which include statistical compilation, research, evaluation, statistical analysis, legal services, and legislative drafting.

[V.A.C.S., Art. 2328b; Administrative Director]

Quasi-Judicial Officers

6.1.1 COURT OF CRIMINAL APPEALS
6.2.1 Commissioner

a. The presiding judge of the Court of Criminal Appeals, with the concurrence of a majority of the judges of the court, may appoint a consenting retired or active appellate or district judge to sit as commissioner of the court.

b. In general, the commissioner aids and assists the Court of Criminal Appeals in disposing of the business before it and discharges such duties as may be assigned by the court.

[V.A.C.S., Art. 1811e]

6.1.2 COURT OF CRIMINAL APPEALS
6.2.2 Commission

a. The Court of Criminal Appeals may appoint a commission, composed of two attorneys with the same qualifications as judges of the court, for a 2-year term.

b. The commission is established for the aid and assistance of the court and must discharge duties as may be assigned.

[V.A.C.S., Art. 1811e]

Judicial Discipline

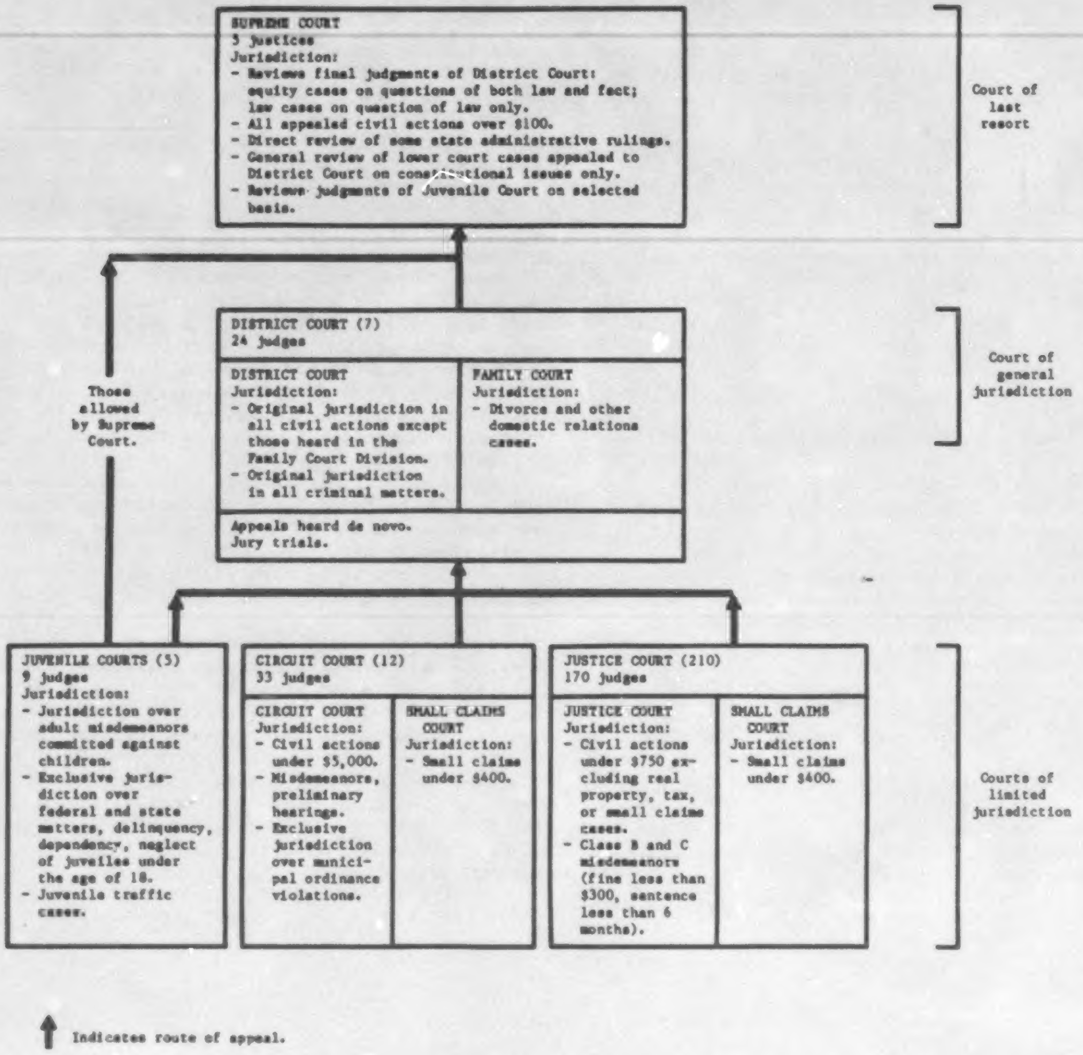
7.1 State Commission on Judicial Conduct. The commission consists of eleven members as follows: two Courts of Civil Appeals justices, two District Court judges, and one justice of the peace, chosen by the Supreme Court with the advice and consent of the Senate; 2 members of the state bar with 10 years of experience, chosen by the Board of Directors of the state bar; and four nonlawyer citizens, chosen by the Governor with the advice and consent of the Senate.

[Const., Art. V, §1-a]

7.2 Authority and procedure for sanction. Appellate and district judges may be removed for cause by impeachment or address. District judges may be removed for cause by the Supreme Court upon the complaint of 10 or more lawyers practicing in the court held by such judge. County officers including county judges and justices of the peace may be removed for cause by the judges of the District Court. Any justice or judge of any state or local court in the state may be suspended, removed, or involuntarily retired from office for cause by the Supreme Court upon recommendation of the State Commission on Judicial Conduct. The commission may censure a judge for cause. The commission receives complaints and makes investigations as necessary. After investigation, the commission may issue a reprimand or institute formal proceedings concerning censure, removal, or retirement of the judge; or it may request the Supreme Court to appoint an active or retired appellate or district judge as a master to hear and take evidence and report his findings to the commission. If the commission finds good cause, it issues an order of public censure or recommends to the Supreme Court the removal or retirement of the judge. The Supreme Court has authority to take final action, unless a Supreme Court justice is the judge in question, at which time final decision will be determined by a tribunal of seven Courts of Civil Appeals justices selected by lot.

[Const., Art. V, §§1-a, 24, Art. XV, §§1, 2, 6, 8; V.A.C.S., Art. 5966a]

Figure 1: Utah court system, 1980


SUPREME COURT
5 justices
Jurisdiction:
- Reviews final judgments of District Court: equity cases on questions of both law and fact; law cases on question of law only.
- All appealed civil actions over $100.
- Direct review of some state administrative rulings.
- General review of lower court cases appealed to District Court on constitutional issues only.
- Reviews judgments of Juvenile Court on selected basis.
Court of last resort
Those allowed by Supreme Court.
DISTRICT COURT (7)
24 judges
DISTRICT COURT
Jurisdiction:
- Original jurisdiction in all civil actions except those heard in the Family Court Division.
- Original jurisdiction in all criminal matters.
FAMILY COURT
Jurisdiction:
- Divorce and other domestic relations cases.
Appeals heard de novo.
Jury trials.
Court of general jurisdiction
JUVENILE COURTS (5)
9 judges
Jurisdiction:
- Jurisdiction over adult misdemeanors committed against children.
- Exclusive jurisdiction over federal and state matters, delinquency, dependency, neglect of juveniles under the age of 18.
- Juvenile traffic cases.
CIRCUIT COURT (12)
33 judges
CIRCUIT COURT
Jurisdiction:
- Civil actions under $5,000.
- Misdemeanors, preliminary hearings.
- Exclusive jurisdiction over municipal ordinance violations.
SMALL CLAIMS COURT
Jurisdiction:
- Small claims under $400.
JUSTICE COURT (210)
170 judges
JUSTICE COURT
Jurisdiction:
- Civil actions under $750 excluding real property, tax, or small claims cases.
- Class B and C misdemeanors (fine less than $300, sentence less than 6 months).
SMALL CLAIMS COURT
Jurisdiction:
- Small claims under $400.
Courts of limited jurisdiction
Indicates route of appeal.

UTAH

Court of Last Resort

1.1 SUPREME COURT. The court sits in Salt Lake City and holds at least three terms of court annually.

[Constitution, Article VIII, Section 4]

1.2 Organization. The Supreme Court does not sit in panels, because the constitution requires that a majority of the justices constituting the court is necessary to form a quorum or render a decision.

[Const., Art. VIII, §2]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus.

b. The Supreme Court has appellate jurisdiction and the power to issue writs as necessary for the exercise of that appellate jurisdiction.

[Const., Art. VIII, §4]

1.4 Justices (5)

a. The justice with the shortest elected term remaining to be served is designated Chief Justice and serves the remainder of his term in this capacity.

b. Supreme Court justices must be at least 30 years old, must be active members of the bar and in good standing, must be learned in the law, and must have been residents of Utah for 5 years preceding selection.

c. Supreme Court justices are selected by the Governor from a list of three nominees selected by the Supreme Court Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). The justice serves until the next general election, when it is necessary to run for the judicial office if opposed, or run for retention if unopposed. Justices in Utah serve 10-year terms.

[Const., Art. VIII, §2; Utah Code Annotated (hereinafter U.C.A.) Sections 20-1-7.1, 20-107.2, 78-21-1]

1.5 Administration

a. The Judicial Council (reference Table 29: Judicial councils and conferences) has general administrative authority over all the adult trial courts. It exercises administration and supervision over these courts through the Chairman of the Judicial Council (who is also the chief judge of the District Court), the Administrator of the Courts, presiding judges of the District and Circuit Courts, and trial court administrators. Reference Section 5.1 (General administrative authority). The Chief Justice administers the Supreme Court and supervises the staff.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk is appointed by the Supreme Court and serves at its pleasure. There are no formal provisions for assigning administrative duties to the clerk. The clerk has responsibilities as determined by the court.

[Const., Art. VIII, §14; Administrator of the Courts]

1.6 Rule-making. The Supreme Court has the power to prescribe rules for all courts of the state, and no rules may supersede those of the Supreme Court. Administrative policy is promulgated by the Judicial Council. Reference Table 29: Judicial councils and conferences. Every court is empowered to make rules, not inconsistent with law, for its own government.

[U.C.A. §§78-2-4, 78-3-21(3), 78-7-6]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Utah.

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court is always open for the transaction of business.

[U.C.A. §78-3-8]

3.2 Organization. The District Court sits at the county seat of each county. The state is divided into seven judicial districts with at least one District Court judge per district. A Family Court Division of the District Court is optional within each district. In addition, the District Court may have separate divisions, such as criminal, civil, and probate.

[Const., Art. VIII, §5; Administrator of the Courts]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all criminal and civil matters not excepted by constitution or law. It also exercises supervisory control over all courts of limited jurisdiction and is empowered to issue writs as necessary to effect all orders.

Domestic relations cases are heard in the Family Court Division in those District Courts which have that separate division.

b. The District Court has appellate jurisdiction over all appeals from courts of limited jurisdiction. Appeals from the Juvenile Court are taken to the District Court unless a direct appeal to the Supreme Court is allowed.

[Const., Art. VIII, §7; U.C.A. §78-3-9]

3.4 Judges (24). The number of judges in the District Court is specified by statute and ranges from 1 to 11 per district.

a. The chairman of the Judicial Council (reference Table 29: Judicial councils and conferences) is also chief judge over all the districts of the District Court. He is elected by the judges of those courts. In multi-judge districts, the judges of the district select a presiding judge.

b. District Court judges must be at least 25 years old, must be active members of the state bar, must have been residents of the state for 3 years prior to selection, and must be residents of the districts in which they serve.

c. District Court judges are appointed to fill vacancies by the Governor from a list of three nominees selected by the District Court Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). They serve until the next general election, when it is necessary to run for the judicial office if opposed, or run for retention if unopposed. District Court judges serve 6-year terms.

[Const., Art. VIII, §5; U.C.A. §7-3-22, 20-1-7.7, 67-8-4; Rules of Practice in the District Courts in the State of Utah, Rule 1.2]

3.5 Administration

a. The chief judge over all the districts of the District Court (chairman of the Judicial Council) has general administrative authority over the District Courts as well as all trial courts of the state. The chief judge has the authority to ensure adherence to law and rules and forms adopted by the Judicial Council (reference Table 29: Judicial councils and conferences), to promote the proper and efficient functioning of the courts, and to issue orders as necessary to establish uniform administrative practice and procedure. The duties of the presiding judges of the seven judicial districts are not specifically articulated.

b. There is no provision for an administrator over all the districts of the District Court. In each of the seven judicial districts, the position of trial court executive has been established.

c. The county clerks are the ex officio clerks of the District Court. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Const., Art. VII, §7; Const., Art. VIII, §14; U.C.A. §§17-20-1, 78-3-22; Administrator of the Courts]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 CIRCUIT COURT. The Circuit Court holds four terms of court annually.

[Administrator of the Courts]

4.2.1 Organization. The state is divided into 12 circuits. The Municipal Department of the Circuit Court replaces the former City Court. The Small Claims Court is a division of the Circuit Court.

[U.C.A. §§78-4-6, 78-4-9]

4.3.1 Jurisdiction

a. The Circuit Court may exercise criminal jurisdiction in violations of municipal ordinances and in all misdemeanors. The Circuit Court has civil jurisdiction in actions where the monetary amount in dispute does not exceed $5,000. This jurisdiction is concurrent with the Justice Court where the sum claimed does not exceed $750.

The Small Claims Court Division has jurisdiction over cases involving a monetary amount of $400 or less.

b. The Circuit Court has no appellate jurisdiction.

[U.C.A. §§78-4-7, 78-4-7(2), 78-4-8, 78-6-11]

4.4.1 Judges (33)

a. In circuits that have more than one judge, a presiding judge is elected by the judges of the court.

b. Circuit Court judges must be at least 25 years old, must be active members of the Utah Bar, must have been residents of the state for at least 3 years, and must be residents of their circuits.

c. Circuit Court judges are appointed to fill vacancies by the Governor from a list of qualified nominees selected by the appropriate Circuit Court Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). They serve until the next general election, when it is necessary to run for the judicial office if opposed, or run for retention if unopposed. Circuit Court judges serve for 6-year terms.

[U.C.A. §§20-1-7.2, 20-1-7.7, 78-4-13, 78-4-13(2), 78-4-27]

4.5.1 Administration

a. The presiding judge controls caseload management, superintends the preparation of a court calendar, presides over meetings of Circuit Court judges, initiates administrative policy for the court, and supervises the work of the trial court executive, whom he may appoint where authorized.

b. The position of trial court executive is authorized in circuits with sufficient workload to warrant an administrator.

The trial court executive is in charge of all administrative services for the Circuit Court at the trial level. The duties of the executive include:

(1) Administration of all staff services.

(2) Personnel, financial, and records administration subject to standards set by the Judicial Council.

(3) Liaison with the bar, news media, and public.

(4) Management of facilities and equipment.

(5) Reporting to the State Court Administrator concerning operations of the court.

c. Clerks hold statutorily-authorized offices and are appointed by the presiding judges (or the single judge in a 1-judge circuit) of the Circuit Court. In multiple clerk courts, the senior clerk has supervisory duties. Where the position of executive is established, this person also serves as clerk. There are no formal provisions for assigning administrative duties to the clerk. The clerks have responsibilities as determined by their respective courts.

[U.C.A. §§78-4-25, 78-4-25(c), 78-4-27, 78-4-28(1); Administrator of the Courts]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 JUSTICE COURT. The Justice Court sits in continuous session.

[Administrator of the Courts]

4.2.2 Organization. The geographical limits of the jurisdiction of the justices of the peace are the boundaries of the county, city, or town for which they are elected or appointed. Territorial jurisdiction is restricted to county boundaries in criminal matters. Any municipality not having a Municipal Department of the Circuit Court may appoint a justice of the peace.

The Small Claims Court is a division of the Justice Court as well as of the Circuit Court.

[U.C.A. §§10-6-74, 78-5-1; Annual Report, p. 76]

4.3.2 Jurisdiction

a. The Justice Court has criminal jurisdiction in class B and C misdemeanors punishable by a fine less than $300 or by imprisonment not exceeding 6 months. The Justice Court has civil jurisdiction within the respective localities in actions where damages or remedies do not exceed $750.

Small claims jurisdiction in the Small Claims Court division is limited to $400.

b. The Justice Court has no appellate jurisdiction.

[U.C.A. §§78-5-2, 78-5-4(a), 78-6-1]

4.4.2 Judges (170)

a. The Justice Court does not have presiding judges.

b. Justices of the peace must be qualified voters of the localities in which their courts are situated.

c. Justices of the peace are elected in partisan elections in county precincts. In cities and towns justices of the peace are appointed by the mayors, with the approval of the local governing body. Any municipality that does not have a Municipal Department of the Circuit Court may appoint a justice of the peace. Justices for county precincts, cities, and towns serve 4-year terms.

[U.C.A. §§10-6-30, 10-6-32, 10-6-74, 10-6-74(1), 17-6-6, 17-16-5, 20-3-4, 20-12-1, 75-5-1; Administrator of the Courts]

4.5.2 Administration

a. There are no provisions for presiding judges for the Justice Court.

b. There are no provisions for administrators for the Justice Court. Reference Section 5.2.b. (state-level administrator).

c. There are no provisions for clerks for the Justice Court.

4.6.2 Rule-making. Reference Section 1.6.

4.1.3 JUVENILE COURT. The Juvenile Court sits in continuous session.

[State Court Administrator]

4.2.3 Organization. The state is divided into five Juvenile Court districts. There are no specific provisions for court location. There are no specialized divisions of the court.

[U.C.A. §55-10-66]

4.3.3 Jurisdiction

a. The Juvenile Court has exclusive original jurisdiction over matters involving any child who has violated any federal, state, or local law before becoming 18 years old; any child who is neglected or dependent; and any child who is beyond control of guardians. It also has the authority to determine custody of any child; to terminate legal parent-child relationships; to grant judicial consent regarding marriage, employment, or enlistment of a child; and to provide for the treatment of a mentally defective child.

b. The Juvenile Court has no appellate jurisdiction.

[U.C.A. §55-10-77]

4.4.3 Judges (9)

a. The presiding judge over all the districts of the Juvenile Court is elected by the Board of Juvenile Court Judges (made up of all the Juvenile Court judges) for a 1-year term. The districts of the Juvenile Court do not have presiding judges.

b. Juvenile Court judges must be members of the Utah State Bar and are chosen on the basis of ability, judicial temperament, special aptitude for Juvenile Court work, and experience with juveniles.

c. Juvenile Court judges are appointed by the Governor from a list of two or more candidates nominated by the Juvenile Court Commission (reference Table 12: Characteristics of judicial nominating commissions) and serve 6-year terms.

[U.C.A. §§55-10-70, 55-10-71]

4.5.3 Administration

a. The presiding judge over the five districts of the Juvenile Court has general supervision over the Juvenile Court to ensure uniform adherence to law and to the rules and forms adopted by the Board of Juvenile Court Judges, and to promote the efficient functioning of the Juvenile Court subject to the supervisory powers of the Supreme Court. The presiding judge, with the approval of the Board of Juvenile Court Judges, appoints the administrator for the Juvenile Courts. There are no provisions for presiding judges for the Juvenile Court districts.

b. The administrator over all the districts of the Juvenile Court is appointed by the presiding judge, subject to the approval of the Board of Juvenile Court Judges, and performs duties as assigned. There are no provisions for administrators for the Juvenile Court districts.

c. Clerks of the court are appointed by the judges of the court in those districts where the volume is sufficient to warrant a clerk. There are no formal provisions for assigning administrative duties to the clerk. The clerks have responsibilities as determined by their respective courts.

[U.C.A. §§55-10-71, 55-10-72, 55-10-73]

4.6.3 Rule-making. Reference Section 1.6. The Board of Juvenile Court Judges establishes general policy for the operation of the Juvenile Court and formulates uniform rules and forms governing practice and procedure in the court. The Juvenile Court is subject to the supervisory powers of the Supreme Court.

[U.C.A. §55-10-71]

State-Level Administration

5.1 General administrative authority. General administrative authority for the trial courts throughout the state is granted to the Judicial Council (reference Table 29: Judicial councils and conferences). Reference Section 1.5.a.

[U.C.A. §78-3-21 (3)]

5.2 Office of the Court Administrator

a. The Office of the Court Administrator is established by statute.

b. Administrator of the Courts

(1) The position of Administrator of the Courts is established by statute.

(2) The Administrator of the Courts is selected on the basis of professional ability and experience in public administration. He must have an understanding of court procedure as well as the nature and significance of other court services.

The Administrator is appointed by the Supreme Court and serves at the pleasure of the Supreme Court and/or the Judicial Council.

(3) Under the general supervision of the chief judge of the District Court and within policy guidelines established by the Judicial Council, the Administrator performs the following duties:

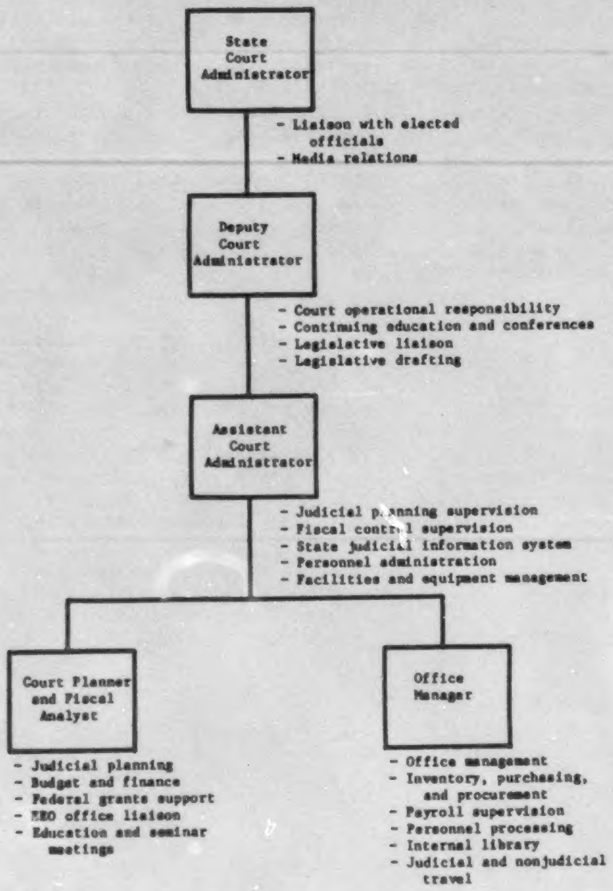
(a) Organization, administration, and supervision of all nonjudicial activities and nonjudicial officers.

(b) Implementation of standards and policies established by the Judicial Council.

(c) Formulation and administration of a system of personnel administration, including training programs.

(d) Preparation and administration of District Court budget and fiscal activities. He assists the Circuit and Justice Courts in budgetary procedures.

Figure 2: Utah state-level administrative office of the courts, 1980


State Court Administrator
- Liaison with elected officials
- Media relations
Deputy Court Administrator
- Court operational responsibility
- Continuing education and conferences
- Legislative liaison
- Legislative drafting
Assistant Court Administrator
- Judicial planning supervision
- Fiscal control supervision
- State judicial information system
- Personnel administration
- Facilities and equipment management
Court Planner and Fiscal Analyst
- Judicial planning
- Budget and finance
- Federal grants support
- EEO office liaison
- Education and seminar meetings
Office Manager
- Office management
- Inventory, purchasing, and procurement
- Payroll supervision
- Personnel processing
- Internal library
- Judicial and nonjudicial travel

(e) General administrative functions as assigned by the chief judge or the Judicial Council.

(f) Liaison with the administrator of the Juvenile Court, and with governmental and private groups having an interest in the administration of the courts.

c. Office organization. The Office of the Court Administrator consists of seven people: four professionals (including the Administrator of the Courts) and three clerical personnel. The staff provides support services in the following areas: information systems, court support services; finance and budget activities; education and training; personnel; public informaton and liaison activities; and planning and research activities.

[U.S.C. §78-3-19 to §78-3-26; State Court Administrators, p. 105; Administrator of the Courts]

Quasi-Judicial Officers

6.1 JUVENILE COURT

6.2 Referee

a. Juvenile Court referees must be graduates of accredited law schools and are appointed by, and serve at the pleasure of the judges of the court.

b. Juvenile Court referees may hear any case in the court's jurisdiction in the first instance, and report all findings and recommendations to the court.

[U.C.A. §55-10-75]

Judicial Discipline

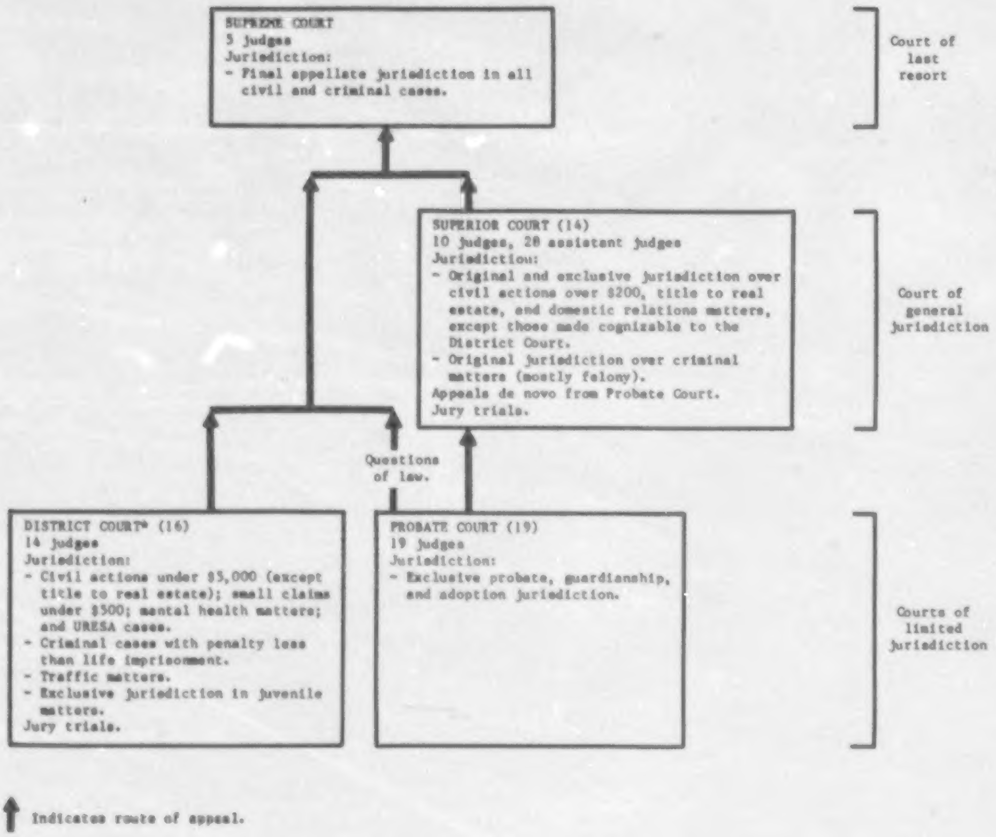
7.1 Commission on Judicial Qualifications. The commission consists of the following: two members of the House Judiciary Committee, appointed by the speaker of the House of Representatives for 2-year terms; two members of the Senate Judiciary Committee, appointed by the president of the Senate for 2-year terms; and three members of the Board of Commissioners of the Utah State Bar, appointed by the board for 4-year terms.

[U.C.A. §49-7-8(a)]

7.2 Authority and procedure for sanction. The Commission on Judicial Qualifications conducts investigations of judicial misconduct and orders hearings concerning retirement or removal of a judge. Recommendations are made to the Supreme Court regarding removal, suspension, censure, or retirement of a justice or judge. The Supreme Court reviews the record of proceedings and makes the final determination.

[U.C.A. §49-7-8(e)]

Figure 1: Vermont court system, 1980



SUPREME COURT
5 judges
Jurisdiction:
- Final appellate jurisdiction in all civil and criminal cases.

SUPERIOR COURT (14)
10 judges, 20 assistant judges
Jurisdiction:
- Original and exclusive jurisdiction over civil actions over $200, title to real estate, and domestic relations matters, except those made cognizable to the District Court.
- Original jurisdiction over criminal matters (mostly felony).

Appeals de novo from Probate Court.
Jury trials.

DISTRICT COURT* (16)
14 judges
Jurisdiction:
- Civil actions under $5,000 (except title to real estate); small claims under $500; mental health matters; and URESA cases.
- Criminal cases with penalty less than life imprisonment.
- Traffic matters.
- Exclusive jurisdiction in juvenile matters.

Jury trials.

PROBATE COURT (19)
19 judges
Jurisdiction:
- Exclusive probate, guardianship, and adoption jurisdiction.

Indicates route of appeal.

* The District Court was created as a court of limited jurisdiction, but has steadily increased its scope to include almost all criminal business except for homicides and cases where the sentence may be life imprisonment.

VERMONT

Court of Last Resort

1.1 SUPREME COURT. General terms are held in Montpelier on the first Tuesday in February, April, June, October, and December of each year. Special terms may also be held at such other times and places as the justices may appoint.

[4 Vermont Statutes Annotated (hereinafter V.S.A.) Section 8]

1.2 Organization. The Supreme Court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court may issue necessary writs in aid of its appellate jurisdiction.

b. The Supreme Court exercises appellate jurisdiction in all cases, criminal and civil.

[Constitution, Chapter II, Section 30; 4 V.S.A. §§2, 30]

1.4 Justices (5)

a. The Chief Justice is appointed by the Governor, with the advice and consent of the Senate, from a list of nominees certified by the Judicial Nominating Board (reference Table 12: Characteristics of judicial nominating commissions). There is no requirement that the nominees be associate justices of the court. He serves his full term in this role.

b. A Supreme Court justice must have been an attorney engaged in the practice of law or a judge in Vermont for at least 5 out of the 10 years preceding appointment.

c. The Governor, with the advice and consent of the Senate, fills vacancies in the offices of Supreme Court justices and Superior and District Court judges from a list of nominees certified by the Judicial Nominating Board. Justices serve 6-year terms. If a justice wishes to succeed himself, he must file a declaration to be submitted to the members of the General Assembly for a vote on his retention. If the majority votes to retain him in office, he may remain for another term. If the majority votes against his retention, the office is vacant upon expiration of his term.

[Const., Ch. II, §§32, 34; 4 V.S.A. §§4, 5, 601, 602, 603]

1.5 Administration

a. The Supreme Court has administrative control over all the courts of the state. The Chief Justice has the power of general supervision. He exercises administration and supervision over the entire court system through the State Court Administrator and the administrative judge for trial courts. Reference Section 5.1 (General administrative authority). The Chief Justice may also appoint retired justices and judges to special assignment as permitted under the rules of the Supreme Court.

b. Reference Section 5.2.b (state-level administrator).

c. The State Court Administrator (reference Section 5.2.b) serves as clerk of the Supreme Court. He is responsible for the following duties: depositing briefs and other papers required to be filed with him in the state library; administering oaths; maintaining dockets and other required records and papers; receiving orders of recommendations and appeals from orders from the Judicial Responsibility Board; receiving nominations and ballots for election of three bar representatives to the Judicial Nominating Board; issuing subpoenas; and sending copies of Supreme Court orders of disbarment or suspension to the clerk of every court in the state and to the highest appellate court in any other state in which the respondent attorney is admitted to practice.

[Const., Ch. II, §35; 4 V.S.A. §§22, 651; State Court Administrator]

1.6 Rule-making. The Supreme Court makes and promulgates rules governing practice and procedure in criminal and civil cases in all courts, rules governing the admission and discipline of attorneys, rules pertaining to the discipline of judges, and rules governing the administration of all courts. Some rules adopted by the Supreme Court may be revised by the General Assembly.

[Const., Ch. II, §37]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in Vermont.

Court of General Jurisdiction

3.1 SUPERIOR COURT. The court terms are set by administrative order of the Supreme Court. The Superior Court judges, as a group, recommend the schedule of terms to the Supreme Court for promulgation.

[4 V.S.A. §115; A Unified Court System for Vermont, p. 12]

3.2 Organization. A Superior Court sits in each county. A typical court consists of three judges: one superior judge who presides, and two assistant judges. There are no specialized divisions of the court.

[4 V.S.A. §111]

3.3 Jurisdiction

a. The Superior Court has original jurisdiction in prosecutions for criminal offenses within its respective counties and may impose sentence according to law. The Superior Court has original and exclusive jurisdiction in all civil actions in which the amount in controversy is greater than $200, except those made cognizable to the District Court or the Supreme Court, and in all petitions brought before it. The court may issue necessary writs. The court may also try cases originating in the Probate Court on a de novo basis.

b. The Superior Court has appellate jurisdiction over some probate, zoning, and tax matters.

[4 V.S.A. §§113, 114; 12 V.S.A. §2553; State Court Administrator]

3.4 Judges (10 judges, 28 assistant judges)

a. The Supreme Court designates one of the superior or district judges to serve as administrative judge for trial courts. The administrative judge serves at the pleasure of the Supreme Court. The statutes provide for 9 superior judges who preside on a rotating basis in the 14 counties. There are no presiding judges, however, who perform administrative duties fur the counties.

b. Superior judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b. Assistant judges' qualifications are not set by statute.

c. Superior judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c. Assistant judges are chosen by the voters of the counties at partisan elections. They serve 4-year terms.

[Const., Ch. II, §50; 4 V.S.A. §§71e, 111a; State Court Administrator]

3.5 Administration

a. The administrative judge over all the trial courts is assigned the following responsibilities for the administration of the trial court system of Vermont, under the direction of the Supreme Court:

(1) Assign and specially assign district and superior judges, including himself, in either the Superior or District Courts.

(2) Assign attorneys, as required, to sit as acting judges in the District Court.

(3) With the approval of the Chief Justice, assign retired justices and judges with their consent to the District and Superior Courts.

(4) Schedule business meetings of the district and superior judges for the purpose of working toward more uniform and improved procedures in the trial courts.

(5) Investigate or cause to be investigated complaints with respect to the management and operation of the trial courts and periodically report to the Supreme Court the results thereof. (Cf. 12 V.S.A. Appendix I, Part IV, relating to complaints of judicial misconduct.)

(6) Resolve conflicting appointments of trial attorneys when necessary.

(7) Report to the Supreme Court at the April and October terms on his recommendations for revised or additional rules, orders, or statutes needed to improve the operation of the trial courts.

(8) Report to the Supreme Court no later than the opening of the October term, 1980, his recommendations for the implementation of functional dockets or divisions in the trial courts to expedite proceedings.

(9) In conjunction with the court administrator, the administrative judge performs the following duties:

(a) Schedules business meetings of the District Court clerks and Superior Court clerks for the purpose of working toward more uniform and improved procedures in the trial courts;

(b) Assumes general administrative control of docketing, calendaring, scheduling, and caseflow management in the District and Superior Courts;

(c) Assists in the design of forms and the establishment of uniform procedures for each trial court, and ensure that forms and procedures adopted are uniformly used;

(d) Designs statistical reports as needed to provide information on workload and on sources and causes of delay; allocate available judicial and clerical resources among the trial courts to best provide service and reduce delay; and,

(e) Fulfills other administrative duties assigned from time to time by the Chief Justice.

The nine superior judges "preside" or hold court in the 14 counties, but they have no administrative duties.

b. A division of Trial Court Administration within the Office of the Court Administrator provides administrative support to the Superior Court and District Court under the direction of the administrative judge.

c. County clerks are the clerks for the Superior Court. Administrative duties are prescribed in some rules and statutes, in a clerk's manual, and in administrative directives of the Supreme Court and of the State Court Administrator. The clerk has supervisory responsibility for one to seven employees in performing their administrative duties.

[4 V.S.A. §651; Superior Court Administrative Order (hereinafter A.O.) 818, §4a; Director of Planning and Development; State Court Administrator]

3.6 Rule-making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. The court holds sessions as often as the Court Administrator determines to be necessary.

[4 V.S.A. §436]

4.2.1 Organization. The Supreme Court is authorized to organize the District Court into territorial units. The court has been divided into six multi-county units, each of which contains circuits equal to the number of counties within the unit. Special units hold sessions in the towns of Waterbury and Brandon.

[4 V.S.A. §§436, 436a, 436b; A Unified Court System for Vermont, p. 12]

4.3.1 Jurisdiction

a. The District Court has criminal jurisdiction in felonies where the maximum penalty is less than life imprisonment, in misdemeanors, and in violations of municipal ordinances. The court has jurisdiction in civil actions where the demand is not over $5,000 and title to real estate is not involved. The District Court also has jurisdiction over juvenile matters, small claims (not to exceed $500), traffic cases, mental health matters, and Uniform Reciprocal Enforcement of Support Act (U.R.E.S.A.) cases. There is a special unit of the District Court that holds sessions in the town of Waterbury for the sole purpose of exercising mental health jurisdiction. Another special unit holds sessions in the town of Brandon for the sole purpose of exercising jurisdiction over applications for admissions to, and for judicial reviews concerning persons admitted to, the Brandon Training School, a mental health facility.

b. The District Court has no appellate jurisdiction.

[4 V.S.A. §§436a, 436b, 437, 439, 441, 446]

4.4.1 Judges (14)

a. The Supreme Court designates one of the superior or district judges to serve as administrative judge for trial courts. The administrative judge serves at the pleasure of the Supreme Court.

b. District Court judges must meet the same qualifications as Supreme Court justices. Reference 1.4.b.

c. District Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference 1.4.c.

[4 V.S.A. §71e, §603]

4.5.1 Administration

a. Reference Section 3.5.a.

b. Reference Section 3.5.b.

c. District Court clerks may be appointed by the State Court Administrator with the advice of the district judge concerned. Administrative duties assigned to the clerks are contained in a clerk's manual and also in administrative directives of the Supreme Court and the Office of the State Court Administrator. The clerk has supervisory responsibility for one to seven employees in performing their administrative duties.

[4 V.S.A. §691; A.O. 18 §4a-i; Director of Planning and Development; State Court Administrator]

4.6.1 Rule-making. Reference Section 1.6.

4.1.2 PROBATE COURT. The Probate Court is open at all times for the transaction of business.

[4 V.S.A. §353]

4.2.2 Organization. There are 19 Probate Courts in Vermont: 9 counties each constitute Probate Court districts themselves, and the 5 southern counties are each divided into 2 districts. There are no specialized divisions of the court.

[4 V.S.A. §271, §273 to §277]

4.3.2 Jurisdiction

a. The Probate Court has jurisdiction over the probate of wills; the settlement of estates; the appointment of guardians; and the powers, duties, and rights of guardians and wards.

b. The Probate Court has no appellate jurisdiction.

[4 V.S.A. §311]

4.4.2 Judges (19 part-time)

a. The Probate Court does not have a presiding judge. All judges serve on a part-time basis.

b. Probate Court judges are not required to be attorneys by constitution or by statute; however, in practice, one-half of the judges are attorneys.

c. Probate Court judges are elected in partisan elections by the voters of their respective districts. They serve 4-year terms.

[Const., Ch. II, §§5, 51; A Unified Court System for Vermont, p. 16; State Court Administrator]

4.5.2 Administration

a. There are no provisions for presiding judges for the Probate Court.

b. There are no provisions for administrators for the Probate Court. Reference Section 5.2.b (state-level administrator).

c. The registers of probate, who are appointed by the probate judges, perform the duties of clerks of the court. There are no provisions for assigning administrative duties to the registers.

[4 V.S.A. §§357, 358]

4.6.2 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The constitution provides that the Supreme Court shall have administrative control over all courts of the state, and disciplinary authority concerning all judicial officers and attorneys. The Chief Justice may appoint retired justices and judges to special assignment as permitted under the rules of the Supreme Court. Reference Section 1.5.

[Const., Ch. II, §§30, 35; 4 V.S.A. §22]

5.2 Office of the Court Administrator

a. The Office of the Court Administrator is authorized by Administrative Order No. 3.

b. State Court Administrator

(1) The position of State Court Administrator is authorized by 4 V.S.A. §21.

(2) The State Court Administrator must have a law degree and must be admitted to the Vermont Bar. He is selected by and serves at the pleasure of the Supreme Court.

(3) The State Court Administrator's duties are prescribed by the Supreme Court. He is responsible for the budget and fiscal operation of the courts, including processing for payment of bills, invoices, statements, and expense accounts; preparation of all personnel actions; the processing for payment of debentures of assigned counsel; and the processing of requisitions for forms, supplies, office equipment, and furniture. He is authorized to employ the necessary personnel and fix their compensation. He also exercises general administrative control of court reporter services in the trial courts. The administrator assigns judges in the event of emergencies or illness and he exercises approval power over the original appointment of District Court clerks, assistant clerks, and stenographic reporters.

c. Office organization. The State Court Administrator appoints the staff, which includes the director of administrative services, the director of trial court administration, the deputy clerk of the Supreme Court, a fiscal officer, and secretarial support. The Office of the Court Administrator consists of 13 people: 7 professionals (including the State Court Administrator) and 6 clerical personnel. The professional staff provides support services in the following areas: computer operations, records management, and forms development; trial court administration, court coordination, and facilities management; payroll, accounting, auditing, budgeting, purchasing, and grants management; education, training, and publications; personnel systems; legislative, executive, public, and media information, legislative and executive liaison; and planning and research activities, which include statistical compilation, judicial planning, evaluation, and statistical analysis.

[4 V.S.A. §§21, 74, 357, 444, 691; A.O. 3, 19; State Court Administrator]

Quasi-Judicial Officers

6.0 There are no provisions for quasi-judicial officers in the courts of Vermont.

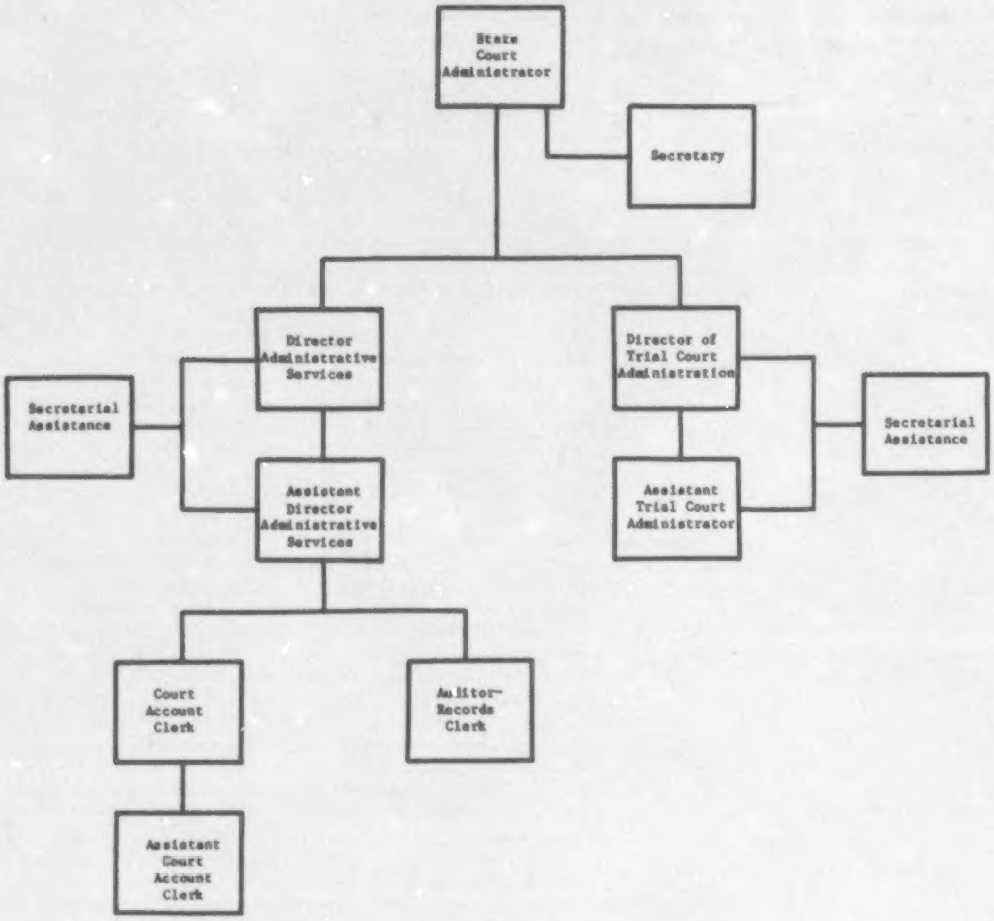
Judicial Discipline

7.1 The Judicial Disciplinary Board. The board, established by Supreme Court rule, consists of three attorneys and two lay citizens, appointed by the Supreme Court.

[Rules of the Supreme Court for Disciplinary Control, Rule 4 (hereinafter cited by rule number only)]

7.2 Authority and procedure for sanction. The board investigates any complaint submitted to it

Figure 2: Vermont state-level administrative office of the courts, 1980


State Court Administrator
Secretary
Director Administrative Services
Director of Trial Court Administration
Secretarial Assistance
Assistant Director Administrative Services
Assistant Trial Court Administrator
Secretarial Assistance
Court Account Clerk
Auditor-Records Clerk
Assistant Court Account Clerk

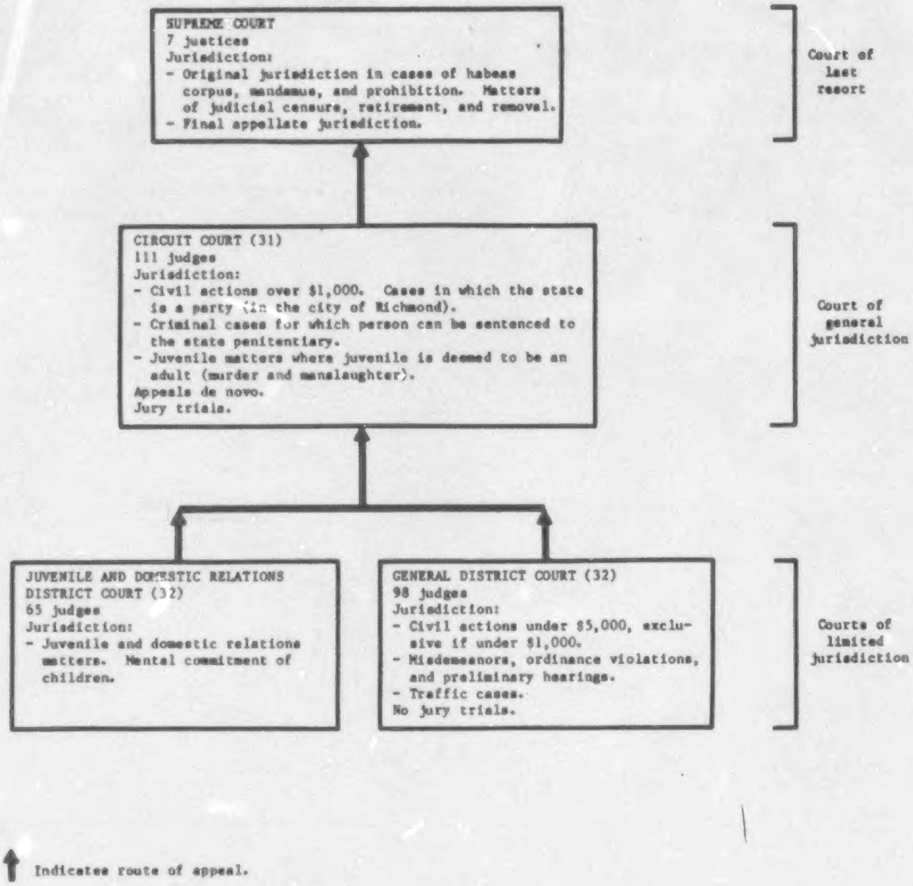
and may investigate conduct or disability on its own motion. All matters before the board prior to the filing of a formal charge are confidential. After the service of a formal charge upon the respondent, the proceedings are public. Any action, proceeding, or recommendation of the board must be concurred in by three members to be valid.

If a preliminary investigation reveals to the satisfaction of the majority of the board that probable cause exists for a formal charge, it orders a formal complaint to be filed and the matter is brought to a hearing. The respondent may file an answer to the charges and has a right to appear personally and by attorney and to answer the charge; to present evidence in his defense; to examine and cross-examine witnesses; to secure subpoenas; to secure the appointment of a guardian ad litem when indicated; and to secure a transcript of the evidence, findings, conclusions, and recommendations.

The board issues its final order of recommendation to the Supreme Court. The Supreme Court reviews all final orders and may take any action or impose any sanction consistent with its constitutional and statutory authority. The respondent may appeal to the Supreme Court from the final order of recommendation of the board.

[Rules 6, 7, 8, 9, 11, 12]

Figure 1: Virginia court system, 1980


SUPREME COURT
7 justices
Jurisdiction:
- Original jurisdiction in cases of habeas corpus, mandamus, and prohibition. Matters of judicial censure, retirement, and removal.
- Final appellate jurisdiction.
Court of last resort
CIRCUIT COURT (31)
111 judges
Jurisdiction:
- Civil actions over $1,000. Cases in which the state is a party (in the city of Richmond).
- Criminal cases for which person can be sentenced to the state penitentiary.
- Juvenile matters where juvenile is deemed to be an adult (murder and manslaughter).
Appeals de novo.
Jury trials.
Court of general jurisdiction
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT (32)
65 judges
Jurisdiction:
- Juvenile and domestic relations matters. Mental commitment of children.
GENERAL DISTRICT COURT (32)
98 judges
Jurisdiction:
- Civil actions under $5,000, exclusive if under $1,000.
- Misdemeanors, ordinance violations, and preliminary hearings.
- Traffic cases.
No jury trials.
Courts of limited jurisdiction
Indicates route of appeal.

VIRGINIA

Court of Last Resort

1.1 SUPREME COURT. The court sits in session in Richmond, for such length of time as the court determines necessary.

[Code of Virginia, 1950 (hereinafter Code 1950), Section 17-99; Court Rule 5:2]

1.2 Organization. The court may sit and render final judgment en banc or in divisions as may be prescribed by law. No decision becomes the judgment of the court, however, except on the concurrence of at least three justices, and no law is declared unconstitutional under either the state constitution or the Constitution of the United States except on the concurrence of at least a majority of all justices of the Supreme Court. Whenever four or more of the justices are convened, the court is deemed to be sitting en banc and vested with all the powers of the court. Whenever three of the justices are convened, the court is deemed to be sitting as a division, and vested with all the powers of a division of the court.

[Constitution, Article VI, Section 2; Court Rule 5:3]

1.3 Jurisdiction

a. The Supreme Court has, by virtue of the state constitution, original jurisdiction in cases of habeas corpus, mandamus, and prohibition, and in matters of judicial censure, retirement, and removal.

b. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court has, by virtue of the state constitution, appellate jurisdiction in cases involving the constitutionality of a law under the state constitution or the Constitution of the United States and in cases involving the life or liberty of any person. Direct appeal to the Supreme Court is also permitted in cases involving the final order, judgment, or finding of the State Corporation Commission and/or the Industrial Commission.

[Const., Art. VI, §§1, 10; Code 1950, §§8-462, 65.1-98]

1.4 Justices (7). The Supreme Court consists of between 7 and 11 justices. Any increase over seven justices must be approved by three-fifths of the members of the General Assembly.

a. The Chief Justice is the justice with the longest continuous service.

b. Supreme Court justices must have been residents of the commonwealth and members of the Virginia Bar for at least 5 years prior to appointment or election.

c. Supreme Court justices are chosen by a majority vote of each house of the General Assembly. When a vacancy occurs while the General Assembly is not in session, the Governor may appoint a successor to serve until 30 days after the commencement of the next session of the General Assembly. Once elected, justices serve 12-year terms.

[Const., Art. VI, §§2, 7; Code 1950, §17-93]

1.5 Administration

a. The Chief Justice is the administrative head of the judicial system. He exercises administration and supervision over the entire court system through the Executive Secretary to the Supreme Court, chief judges of the Circuit Court, the Committee of District Courts (made up of Chairmen of the House and Senate Courts of Justice Committees, two members from each of these committees, and one judge each from the Circuit, General District, and Juvenile and Domestic Relations (J.D.R.) District Courts) and chief judges of the General and J.D.R. District Courts. Reference Section 5.1 (General administrative authority). The Chief Justice, however, has no specifically articulated duties in regard to the administration of the Supreme Court.

b. The Executive Secretary to the Supreme Court is the statutory state court administrator. Reference Section 5.2.b (state-level administrator). The Office of the Executive Secretary provides personnel and fiscal support services to the Supreme Court and is the administrative component of the court.

c. The Supreme Court clerk is a statutory position filled by Supreme Court appointment. There are no provisions for assigning administrative duties to the clerk. He supervises the clerical personnel in his office and has responsibilities as determined by the court.

[Const., Art. VI, §4; Code 1950, §§17-33, 17-111.1; Executive Secretary]

1.6 Rule-making. The Supreme Court has the authority to make rules governing the course of appeals and the practice and procedures to be used in the courts of the commonwealth, but such rules must not be in conflict with the general law as established by the General Assembly. The Supreme Court also makes administrative rules for the courts. The General Assembly may adopt such additional measures as it deems desirable for the improvement of the administration of justice by the courts and for the expedition of judicial business.

[Const., Art. VI, §§4, 5; Executive Secretary]

Intermediate Appellate Court

2.0 An intermediate appellate court does not exist in the commonwealth. If appropriate, the General Assembly may establish such a court at any time.

[Const., Art. VI, §1]

Court of General Jurisdiction

3.1 CIRCUIT COURT. The chief judge fixes the term of each court in his circuit.

[Code 1950, §17-127.21]

3.2 Organization. The General Assembly has established 31 judicial circuits. The Judicial Circuit of Richmond has been subdivided into two divisions by statute. Most metropolitan circuits have locally established criminal and civil divisions.

[Code 1950, §§17-116.1, 17-119.1:1]

3.3 Jurisdiction

a. The Circuit Court has jurisdiction over proceedings by quo warranto or information in the nature of quo warranto. The court may issue writs of mandamus, prohibition, and certiorari to all courts of limited jurisdiction. It may also issue writs of mandamus in all matters or proceedings arising from or pertaining to the actions of the Board of Supervisors or other governing body of any county. It has original and general jurisdiction in all cases in chancery and civil cases at law, except cases at law to recover personal property or money not of greater value than $1,000, exclusive of interest, and except such cases as are assigned to some other court; in all cases for the recovery of fees in excess of $1,000; penalties or cases involving the right to levy and collect toll or taxes or the validity of an ordinance or bylaw of any corporation; and in all cases, criminal or civil, in which an appeal may be made to the Supreme Court. The court also has original jurisdiction in all indictments for felonies and in presentations, informations, and indictments for misdemeanors. The Circuit Court has jurisdiction in juvenile cases involving murder and manslaughter where the juvenile is certified by the Juvenile Court as an adult.

b. The Circuit Court has appellate jurisdiction over all cases, criminal and civil, in which an appeal may, as provided by law, be taken from the judgment of the special or limited jurisdiction courts of the state.

[Code 1950, §17-123; Executive Secretary]

3.4 Judges (111). The number of judges in each circuit is set by the legislature based on the recommendation of the Judicial Council (reference Table 29: Judicial councils and conferences).

a. There is no provision for a chief judge over all the judicial circuits. The chief judges of the individual circuits are elected to 2-year terms by peer vote.

b. Circuit Court judges must be residents of the commonwealth and of their respective circuits and must also have been members of the bar for at least 5 years prior to appointment or election.

c. Circuit Court judges are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. They serve 8-year terms.

[Const., Art. VI, §7; Code 1950, §§17-116.2, 17-119.1:2]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, the chief judges of the individual circuits ensure that the system of justice in their respective circuits operates smoothly and efficiently. They have authority to assign the work of the circuits to judges, and in doing so they may consider the nature and categories of the cases to be assigned. The chief judges fix the term of each court in their circuits. They have full supervisory authority over the magistrates in their circuits, unless they delegate that authority to the chief judges of the General District Court. They also appoint all regular, substitute, and special magistrates in the districts within their circuits. They appoint the chief magistrate for each district and if a district has more than one special magistrate, they appoint a chief special magistrate.

b. The Executive Secretary of the Supreme Court is the administrator of the Circuit Court system. He assists the chief judges in the performance of their administrative duties. He may employ such staff and other assistants from state funds appropriated to him for the purpose as may be necessary to carry out his duties, and may secure such office space as may be requisite, to be located in an appropriate place that he selects. While not exercising management authority over the Circuit Courts, the Executive Secretary provides administrative assistance to the courts in the following areas: assignment of judges, budgeting (excluding clerk's office), statistics collection, public relations, public information, education programs, juror orientation, Circuit Court boundary changes, legislative drafting, and others. There are no provisions for administrators for the individual circuits.

c. Circuit Court clerks are constitutional county officers, who are elected to 8-year terms by the voters of the counties and cities. There are no formal provisions for assigning administrative duties to the clerk. They supervise the clerical personnel in their offices and have responsibilities as determined by the court.

[Const., Art. VII, §4; Code 1950, §§17-116.2, 17-116.3, 17-127.21, 19.2-35, 19.2-36, 19.2-50, 19.2-51; Executive Secretary]

3.6 Rule-making. The Supreme Court may formulate rules of practice and procedure for the Circuit Courts following consultation with the chairmen of the House and Senate Courts of Justice Committees and the executive committee of the Judicial Conference of Virginia for courts of record (reference Table 26: Judicial councils and conferences). (Such rules, subject to the strict construction of the provisions of Section 8-1.3, which are the only rules of practice and procedure in the Circuit Court of the commonwealth, are included in the Code of Virginia as provided in §8-1.2, subject to revision by the General Assembly.) Section 8-1.3 of the code states that courts of record and courts not of record may, from time to time, prescribe such rules as may be reasonably appropriate to promote proper order and decorum, the convenient and efficient use of courthouses and clerks' offices, and the orderly management of court dockets. The statute specifies further that rules so promulgated apply only to that court and must not be inconsistent with or in addition to any statutory provision or the Rules of the Supreme Court. In addition, they may not be contrary to decided cases or abridge the substantive rights of persons appearing before the court.

[Code 1950, §§ 8-1.3, 17-116.4]

Courts of Limited or Special Jurisdiction

4.1.1 GENERAL DISTRICT COURT. The General District Court sits in continuous session.

[Executive Secretary]

4.2.1 Organization. By legislative act, the commonwealth is divided into 32 districts. Court is held at the county seats. The holding of court sessions at other locations in the counties is at the discretion of the chief judges. The chief judges may also establish special divisions of any General District Court when the work of the court may be more efficiently handled thereby, such as through the establishment of special Criminal, Civil, or Traffic Divisions; and they may assign the judges of the General District Court with respect to serving such special divisions.

[Code 1950, §§16.1-69.35, 16.1-69.6]

4.3.1 Jurisdiction

a. The General District Court conducts preliminary examinations in felony cases. The exclusive original jurisdiction of the court extends to all misdemeanors and violations of ordinances, laws, and bylaws within the counties and of cities and service districts located within the counties.

The General District Court exercises exclusive civil jurisdiction in cases where the amount in controversy does not exceed $1,000, and concurrent jurisdiction with the Circuit Court when the amount is between $1,000 and $5,000. The court also has jurisdiction over mental competency hearings.

The complete jurisdiction of these courts is, however, limited in those areas where jurisdiction has been conferred by law on the Juvenile and Domestic Relations District Courts.

b. The General District Court has no appellate jurisdiction.

[Code 1950, §§16.1-69.28, 16.1-77, 16.1-123, 16.1-127; Executive Secretary]

4.4.1 Judges (98). The number of judges per General District Court is set by the legislature based on the recommendation of the Committee of District Courts. Each district, with the exception of one district, has a minimum of two judges. It has one judge who also serves as the single judge on the bench of the Juvenile and Domestic Relations District Court in that district.

a. The chief judges of the individual districts are elected to 2-year terms by peer vote.

b. District Court full-time and substitute judges must be members of the bar and residents of the district. Part-time judges are not required to be attorneys (part-time judges abolished on July 1, 1980).

c. District Court full-time judges are elected by a majority vote of each house of the General Assembly and serve 6-year terms. Substitute and part-time judges are appointed by the judges of the circuit in which the district is located. Substitute judges serve 6-year terms while part-time judges serve 4-year terms.

[Code 1950, §§16.1-69.10, 16.1-69-11, 16.1-69.15 to 16.1-69.16, 16.1-69.6:1, 16.1-69.9, 16.1-69.9:1, 16.1-69.9:2; Executive Secretary]

4.5.1 Administration

a. The chief judges of the individual General District Courts are responsible for the general administrative supervision of their respective courts in accordance with policy guidance and directives from the Committee on District Courts and the Chief Justice. The chief judges may assign judges to different courts within the district, based on caseload requirements. If required, they may request the Executive Secretary to assign a judge from another district to their districts for assistance. The chief District Court judges may establish special divisions of their courts. They determine the time and place that court is held and inform the general public and the Executive Secretary of the Supreme Court thereof. They are also responsible for arranging the vacation schedules of the district judges. When nonjudicial personnel positions are authorized by the Committee on District Courts, the power of appointment and removal is vested in the chief judges.

b. The Committee on District Courts may, as needs require, authorize a court administrator position in any District Court.

c. The Committee on District Courts can authorize a clerk's position in particular districts. If authorized, the clerk is appointed by the chief judge. There are no formal provisions for assigning administrative duties to the clerk. He supervises the clerical personnel in his office and has responsibilities as determined by the court.

[Code 1950, §§16.1-69.33, 16.1-69-35, 16.1-69.39; Executive Secretary]

4.6.1 Rule-making. The Supreme Court may formulate rules of practice and procedure for the General District Court following consultation with the Chairmen of the House and Senate Courts of Justice Committees and the Executive Committee of the Judicial Conference of Virginia for District Courts (reference Table 29: Judicial councils and conferences). Rules so promulgated by the Supreme Court are subject to revision by the General Assembly under the same statutory provision. Each District Court has limited rule-making authority as may be reasonably appropriate to promote proper order and decorum, the convenient and efficient use of courthouses and clerks' offices, and the orderly management of court dockets.

[Code 1950, §§8-1.3, 16.1-69.32]

4.1.2 JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT. Court terms are set by the chief judge and are published as a section of the Rules of the Supreme Court.

4.2.2 Organization. By legislative act, the commonwealth has been divided into 32 districts, the boundaries of which are the same for both General District and Juvenile and Domestic Relations District Courts. Court is held in each county seat and any other location determined as necessary by the chief judge. Specific statutory provisions allowing the chief judge of a J.D.R. District Court to establish specialized divisions do not exist.

[Code 1950, §§16.1-69.35, 16.1-69.6]

4.3.2 Jurisdiction

a. The Juvenile and Domestic Relations District Court has exclusive jurisdiction in matters involving the custody, visitation, support, control, or case disposition of a child, including the commitment of a mentally defective or disordered child. Jurisdiction also extends to any person charged with deserting, abandoning, or failing to provide support for any person in violation of the law and to all offenses committed by one family member against another, except murder and manslaughter, when the person accused is 18 years of age or over.

b. The Juvenile and Domestic Relations District Court has no appellate jurisdiction.

[Code 1950, §16.1-241]

4.4.2 Judges (65). The number of judges per District Court is set by the legislature based on the recommendation of the Committee on District Courts. Reference Section 4.4.1.

a. Chief judges for the individual J.D.R. districts are elected to 2-year terms by peer vote.

b. J.D.R. District Court judges must meet the same qualifications as General District Court judges. Reference Section 4.4.1.b.

c. J.D.R. District Court judges are elected in the same manner and serve the same term as General District Court judges. Reference Section 4.4.1.c.

[Code 1950, §16.1-69.11]

4.5.2 Administration. The J.D.R. District Court is within the unified court system of the commonwealth and is subject to the administrative supervision of the Chief Justice.

a. Direct administrative supervision of the J.D.R. districts is exercised by the chief judges, subject to policy guidance from the Committee on District Courts. Reference Section 4.5.1.a. The chief judges designate the supervisors of probation officers and related social service personnel in their courts. If a joint or regional juvenile detention commission is established by three or more cities or counties, the chief judges of the J.D.R. districts serve as ex officio members.

b. Reference Section 4.5.1.b.

c. Reference Section 4.5.1.c.

[Code 1950, §§16.1-69.30, 16.1-69.35, 16.1-235, 16.1-236, 16.1-317]

4.6.2 Rule-making. The chief judges may adopt and publish rules not in violation of law or other court rules to regulate the conduct of the clerks and employees of the courts. The court may also prescribe rules to promote order and decorum, the convenient and efficient use of courthouses and clerks' offices, and the orderly management of court dockets, provided that they do not conflict with law or other court rules. The Supreme Court may formulate rules of practice and procedure for the J.D.R. District Court following consultation with the Chairmen of the House and Senate Courts of Justice Committees and the Executive Committee of the Judicial Conference of Virginia for District Courts (reference Table 29: Judicial councils and conferences). Such rules are subject to revision by the General Assembly.

[Code 1950, §§8-1.3, 16.1-69.32, 16.1-231]

State-Level Administration

5.1 General administrative authority. The Chief Justice of the Supreme Court is the administrative head of the judicial system. He may temporarily assign any judge of a court of record to any other court of record except the Supreme Court and may assign a retired judge of a court of record, with his consent, to any court of record except the Supreme Court. The Chief Justice may also temporarily assign a District Court judge from one district to another. The General Assembly may adopt such additional measures as it deems desirable for the improvement of the administration of justice by the courts and for the expedition of judicial business. Reference Section 1.5.a.

[Const., Art. VI, §4; Code 1950, §16.1-69.35]

5.2 Office of the Executive Secretary to the Supreme Court of Virginia

a. The Office of the Executive Secretary is authorized by statute.

b. Executive Secretary to the Supreme Court

(1) The position of Executive Secretary is established by statute.

(2) The Executive Secretary must have the same qualifications as a judge of a court of record; namely, have been a resident of the commonwealth, plus a member of the bar for at least 5 years prior to appointment. The Executive Secretary is appointed by and serves at the pleasure of the Supreme Court.

(3) The Executive Secretary assists the Chief Justice and the Supreme Court in the administration of the judicial branch of the government to the end that litigation may be expedited and the administration of justice improved in the courts of the commonwealth, and he has such other duties as may be required of him by the Chief Justice or by the Supreme Court in the performance of the administrative functions of that court.

c. Office organization. The Office of the Executive Secretary consists of 42 people: 19 professionals (including the Executive Secretary) and 23 clerical personnel. The staff provides support services in the following areas: systems analysis, programming, and statistical analysis; court coordination; payroll, accounting, budgeting, and purchasing; personnel systems; and judicial planning legal services.

[Code 1950, §§17-111.1, 17-111.2; Executive Secretary]

Quasi-Judicial Officers

6.1.1 SUPREME COURT

6.2.1 Chief counsel

a. The chief counsel is appointed by and serves at the pleasure of the court. He must be a practicing member of the bar.

b. The chief counsel and his staff of 5 attorneys provide staff research capability to the Supreme Court, which enables the court to be more effective in determining which petitions for appeal will be heard by the court.

[Executive Secretary]

6.1.2 CIRCUIT COURT

6.2.2 Commissioner in chancery and magistrate

a. Commissioners in chancery are appointed by the chief judges. Commissioners in chancery are usually attorneys.

b. Commissioners in chancery may compel the attendance of all needed witnesses in certain civil actions by summons, rule, or attachment in like manner as a Circuit Court. Upon receipt of a court-referred matter, a commissioner must promptly set a time and place of meeting. He may require the production before him of all evidence. He may rule upon the admissibility of evidence unless otherwise directed by the decree of reference. If he has this authority and a party so requests, he must cause a record to be made of all proffered evidence that he rules inadmissible. Upon conclusion of the hearing, the commissioner prepares a report stating his findings of fact and conclusions of law. He files his report, including a transcript of the proceedings, with the clerk of the court and forwards copies of same to the parties involved.

6.1.3 GENERAL DISTRICT AND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS

6.2.3 Magistrate

a. Magistrates are appointed by the chief judge of the Circuit Court having jurisdiction within each district. They must be citizens of the United States and residents of their respective judicial districts (except in Arlington and Fairfax Counties and the city of Alexandria where persons residing in adjoining districts may be employed). New magistrates must pass certificate on examination.

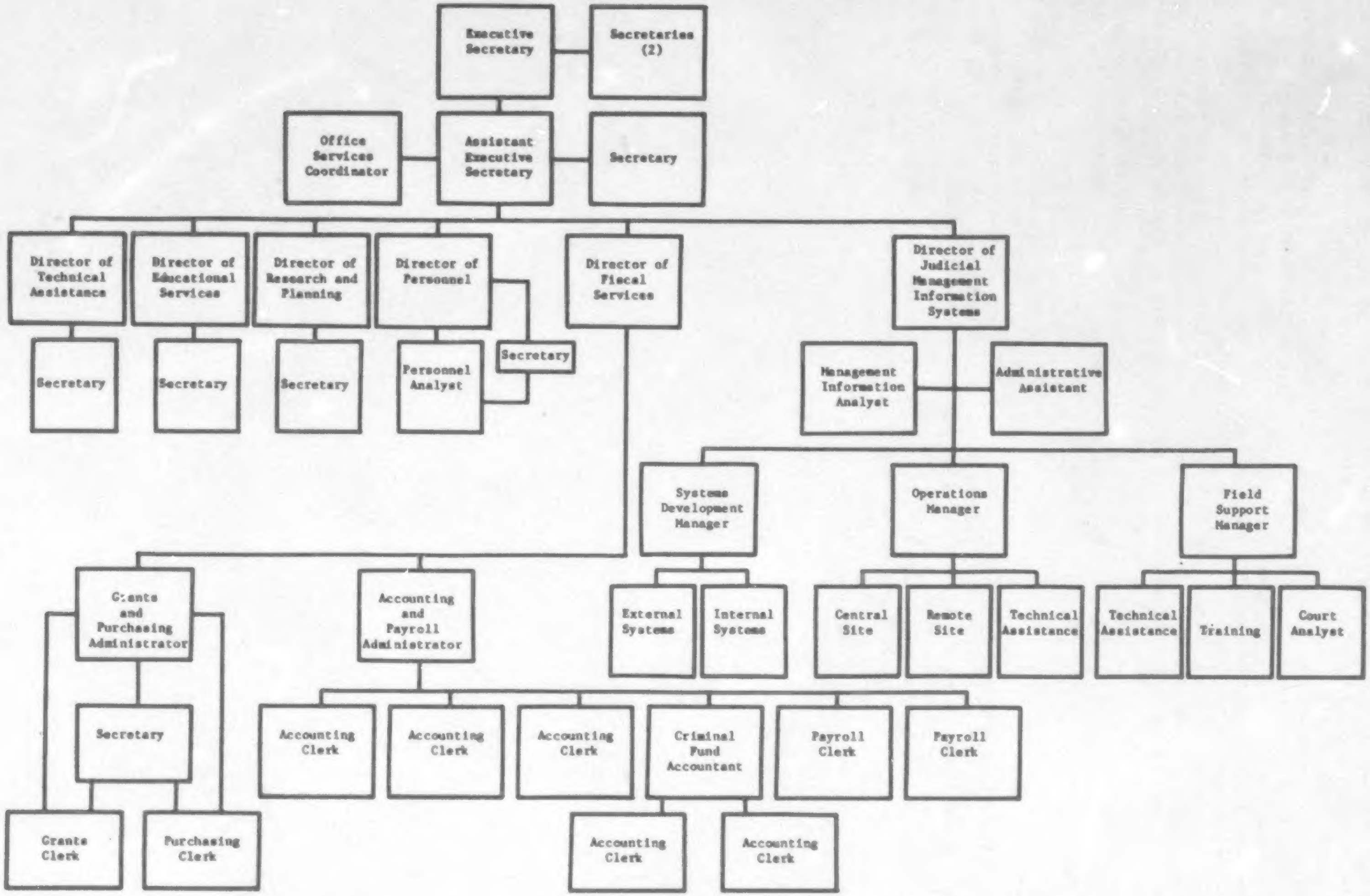
b. Magistrates have the following powers:

(1) To issue arrest and search warrants in accordance with the code.

(2) To admit to bail or commit to jail all persons charged with offenses.

(3) To issue warrants and subpoenas within such county or city with the same power as is conferred upon a District Court.

Figure 2: Virginia state-level administrative office of the courts, 1980


Executive Secretary
Secretaries (2)
Office Services Coordinator
Assistant Executive Secretary
Secretary
Director of Technical Assistance
Director of Educational Services
Director of Research and Planning
Director of Personnel
Director of Fiscal Services
Director of Judicial Management Information Systems
Secretary
Secretary
Secretary
Personnel Analyst
Secretary
Management Information Analyst
Administrative Assistant
Systems Development Manager
Operations Manager
Field Support Manager
Grants and Purchasing Administrator
Accounting and Payroll Administrator
External Systems
Internal Systems
Central Site
Remote Site
Technical Assistance
Technical Assistance
Training
Court Analyst
Secretary
Accounting Clerk
Accounting Clerk
Accounting Clerk
Criminal Fund Accountant
Payroll Clerk
Payroll Clerk
Grants Clerk
Purchasing Clerk
Accounting Clerk
Accounting Clerk

(4) To issue civil warrants directed to the sheriff or constable of the county or city wherein the defendant resides.

(5) To administer oaths and act as conservator of the peace.

(6) To hear and decide complaints, as provided by law, that persons be required to give a recognizance to keep the peace.

If authorized by the appointing circuit judge, the magistrate may accept guilty pleas for Class 4 misdemeanors and lesser offenses and impose and collect an appropriate fine up to $100.

[Code 1950, §§8-248, 8-252, 18.2-11, 19.2-35, 19.2-37, 19.2-45; Court rules 2:18; Executive Secretary]

Judicial Discipline

7.1 Judicial Inquiry and Review Commission. The commission is composed of five members, elected by majority vote of both houses of the General Assembly. The commission consists of two Circuit Court judges, two lawyers, and one public member. The lawyers must be active members of the bar and must have practiced law in the state for 15 or more years prior to appointment. The public member cannot be an active or retired lawyer or an active or retired judge.

[Code 1950, §2.1-37.3]

7.2 Authority and procedure for sanction. The constitution provides for the establishment of a Judicial Inquiry and Review Commission and grants the Supreme Court the authority to censure, retire, or remove any justice or judge of a court of record plus members of the State Corporation Commission and Industrial Commission for disability or misconduct. The constitution then states that the General Assembly may provide by general law for the retirement, censure, or removal of judges of any court not of record, or other personnel exercising judicial functions. All judges are subject to impeachment for "malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor."

The commission may administer oaths, order and otherwise provide for the inspection of books and records, and issue subpoenas for the attendance of witnesses and the production of physical evidence. The commission has the authority to make rules to govern its investigations and hearings. All papers filed with and proceedings before the commission are confidential, until and if such record of proceedings is filed with the Supreme Court.

[Const., Art. IV, §17, Art. VI, §10; Code 1950, §2.1-37.1, 2.1-37.9 to 2.1-37.15]

WASHINGTON

Court of Last Resort

1.1 SUPREME COURT. The court sits at Olympia, and conducts business year-round except for nonjudicial days.

[Constitution, Article IV, Sections 2, 3; Revised Code of Washington (hereinafter R.C.W.) Section 2.04.030]

1.2 Organization. The constitution provides that the legislature can designate separate departments of the court. Supreme Court Rules have divided the court into two departments or panels. The Chief Justice can apportion business to the court departments.

[Const., Art. IV, §2; R.C.W. §2.04.150; Rules of Court--Supreme Court Administrative Rule (hereinafter S.A.R.) 6]

1.3 Jurisdicton

a. The Supreme Court has original jurisdiction in habeas corpus, quo warranto, and mandamus directed to state officials, and the issuance of writs. It also has jurisdiction over bar admission, discipline, and disbarment of attorneys.

b. The Supreme Court has appellate jurisdiction in all cases except civil actions involving dollar amounts under $200 unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute.

[Const., Art. IV, §4; R.C.W. §2.04.010; Rules of Court--Admission to Practice Rules, and Discipline Rules for Attorneys]

1.4 Justices (9)

a. The Chief Justice is the justice having the shortest term to serve and not holding office by appointment or election to fill a vacancy. If two justices have equally short terms, the other justices determine who will be Chief Justice. The Chief Justice completes his term in this role.

b. Supreme Court justices must be admitted to the practice of law in the courts of record of the state.

c. Supreme Court justices are elected at large in the general nonpartisan election when state officers are elected, and serve 6-year terms. When a vacancy occurs, the Governor appoints a person to hold office until the election of a judge to finish the term. The election is nonpartisan and takes place at the next general election.

[Const., Art. IV, §§3, 17; R.C.W. §§2.04.100, 2.04.130]

1.5 Administration

a. The Chief Justice exercises administration and supervision over the entire court system through the Administrator for the Courts, chief judges of the Court of Appeals, presiding judges of the District Court and the Municipal Court, and trial court administrators. Reference Section 5.1 (General administrative authority). In regard to the administration of the Supreme Court, the Chief Justice acts as coordinator between the two departments of the court, and apportions business to them.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the court is selected by the court. He is responsible for recording all court proceedings, keeping all books required by law, affixing the seal, filing all papers, and training all Court of Appeals clerks.

[R.C.W. §2.04.150; S.A.R. 8, 16; Administrator for the Courts]

1.6 Rule-making. The Supreme Court makes the rules of practice and process for all courts. If these rules conflict with any laws, the rules take precedence. The Judicial Council (reference Table 29: Judicial councils and conferences) functions as an advisory committee on proposed rules.

[R.C.W. §§2.04.180, 2.04.190, 2.04.200; Rules of Court; Administrator for the Courts]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The Court of Appeals sits in continuous session. The court has three divisions: Division 1, headquartered in Seattle; Division 2, headquartered in Spokane; and Division 3, headquartered in Tacoma.

[R.C.W. §§2.04.030, 2.06.020]

2.2 Organization. The court sits in panels of three judges. There are two panels in Division 1 and one panel each in Divisions 2 and 3. There are three districts based on geographical boundaries in each division.

[R.C.W. §§2.06.020, 2.06.040]

2.3 Jurisdiction

a. The Court of Appeals has no original jurisdiction.

b. The Court of Appeals has exclusive appellate jurisdiction in all cases except the following:

(1) Criminal cases where the sentence is death.

(2) Quo warranto, prohibition, injunction, or mandamus directed to state officials.

(3) Cases where the constitutionality of a statute, ordinance, tax, impost, assessment, or toll has been questioned and held invalid by the Superior Court.

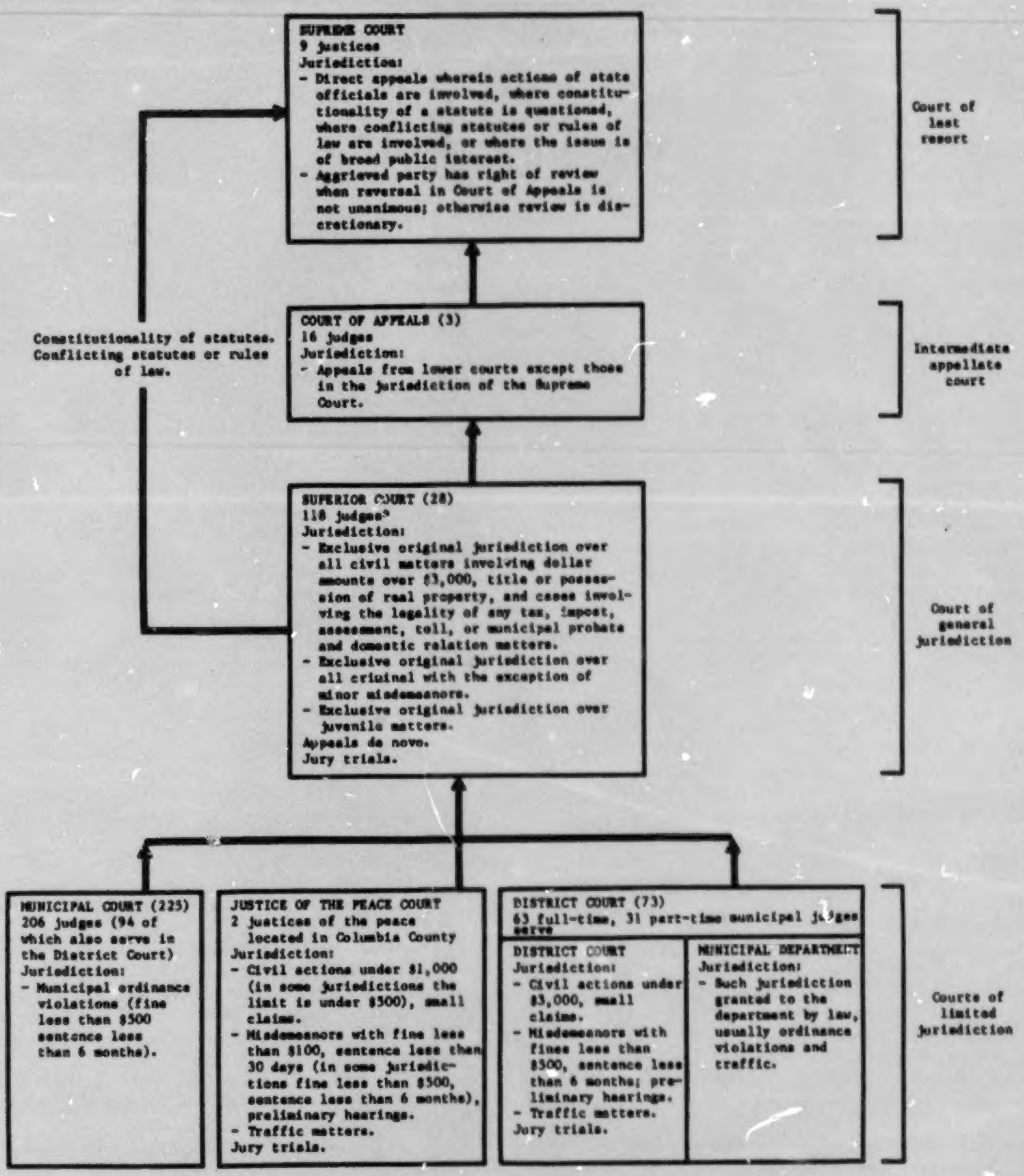
(4) Cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination.

(5) Cases involving substantive issues where there is conflict between panels of the court or with decisions of the Supreme Court.

The court can hear any appeal generally excluded from its jurisdiction if transferred to it by the Supreme Court.

[R.C.W. §2.06.030]

Figure 1: Washington court system, 1980



SUPREME COURT
9 justices
Jurisdiction:
- Direct appeals wherein actions of state officials are involved, where constitutionality of a statute is questioned, where conflicting statutes or rules of law are involved, or where the issue is of broad public interest.
- Aggrieved party has right of review when reversal in Court of Appeals is not unanimous; otherwise review is discretionary.

COURT OF APPEALS (3)
16 judges
Jurisdiction:
- Appeals from lower courts except those in the jurisdiction of the Supreme Court.

SUPERIOR COURT (28)
118 judges*
Jurisdiction:
- Exclusive original jurisdiction over all civil matters involving dollar amounts over $3,000, title or possession of real property, and cases involving the legality of any tax, impost, assessment, toll, or municipal probate and domestic relation matters.
- Exclusive original jurisdiction over all criminal with the exception of minor misdemeanors.
- Exclusive original jurisdiction over juvenile matters.

Appeals de novo.
Jury trials.

MUNICIPAL COURT (225)
206 judges (94 of which also serve in the District Court)
Jurisdiction:
- Municipal ordinance violations (fine less than $500 sentence less than 6 months).

JUSTICE OF THE PEACE COURT
2 justices of the peace located in Columbia County
Jurisdiction:
- Civil actions under $1,000 (in some jurisdictions the limit is under $500), small claims.
- Misdemeanors with fine less than $100, sentence less than 30 days (in some jurisdictions fine less than $500, sentence less than 6 months), preliminary hearings.
- Traffic matters.

Jury trials.

DISTRICT COURT (73)
63 full-time, 31 part-time municipal judges serve

DISTRICT COURT
Jurisdiction:
- Civil actions under $3,000, small claims.
- Misdemeanors with fines less than $500, sentence less than 6 months; preliminary hearings.
- Traffic matters.

Jury trials.

MUNICIPAL DEPARTMENT
Jurisdiction:
- Such jurisdiction granted to the department by law, usually ordinance violations and traffic.

Constitutionality of statutes. Conflicting statutes or rules of law.
Court of last resort
Intermediate appellate court
Court of general jurisdiction
Courts of limited jurisdiction

↑ Indicates route of appeal.

* The number of judges in the Superior Court will increase from 118 to 123 on January 1, 1981.

2.4 Judges (16)

a. There is a chief judge for each division who is selected in the same manner and for the same term as the Chief Justice of the Supreme Court. Reference Section 1.4.

b. Court of Appeals judges must have been admitted to the practice of law in the state not less than 5 years prior to taking office and must have been residents of their districts not less than 1 year at the time of appointment or initial election.

c. Court of Appeals judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[R.C.W. §§2.06.050, 2.06.070; Rules of Court--Court of Appeals Administrative Rule (hereinafter C.A.R.) 8]

2.5 Administration

a. The chief judges decide all procedural matters not affecting the content of the record or argument. The chief judge in Division 1 assigns the judges of that division to panels.

b. There is no provision for an administrator for the Court of Appeals. The Administrator for the Courts serves as administrator for the Court of Appeals with the consent of the court. Reference Section 5.2.b (state-level administrator).

c. Each division appoints a clerk. There are no formal provisions for assigning administrative or supervisory duties to the clerk. He has responsibilities as determined by the Court.

[R.C.W. §2.06.040; C.A.R. 6, 8, 16, 23; Administrator for the Courts]

2.6 Rule-making. The administration and procedure of the court is provided by Supreme Court Rule though the court can establish rules supplementary to and not in conflict with Supreme Court Rules.

[Const., Art. IV, §30; R.C.W. §§2.06.030, 2.06.040]

Court of General Jurisdiction

3.1 SUPERIOR COURT. The court sits in continuous session except for nonjudicial days.

[Const., Art. IV, §6; R.C.W. §2.08.030]

3.2 Organization. The 39 counties of the state are divided into 28 divisions based on county or multi-county boundaries. Superior Court sessions are held in the county seats. There are no specialized divisions of the court.

[R.C.W. §§2.08.030, 2.08.061 to 2.08.065]

3.3 Jurisdiction

a. The Superior Court has exclusive original jurisdiction in all civil cases involving dollar amounts over $3,000, title or possession of real property, and cases involving the legality of any tax, impost, assessment, toll, or municipal fine. The court also has exclusive original jurisdiction in criminal, probate, juvenile, and domestic matters in its geographic jurisdiction, except where concurrent with the Justice of the Peace Court, District Court, and Municipal Court in cities over 400,000 population.

b. The Superior Court has appellate jurisdiction over cases in all trial courts.

[Const., Art. IV, §6; R.C.W. §§2.08.010, 2.08.020, 3.20.020, 3.20.040, 3.66.020, 3.66.060, 35.20.250]

3.4 Judges (118)

a. The Superior Court does not have a chief judge over all the courts or presiding judges for the 28 divisions.

b. Superior Court judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b.

c. Superior Court judges are selected in the same manner and for the same term as Supreme Court justices. Reference Section 1.4.c.

[Const., Art. IV, §5; R.C.W. §2.08.060; Administrator for the Courts]

3.5 Administration

a. There are no provisions for a chief judge over all the Superior Courts or for presiding judges for the 28 divisions.

b. There is no provision for an administrator over all the Superior Courts. The position of administrator is authorized for some courts by the judge of the court and is funded by the legislature. The administrator's responsibilities are determined by the judge of the court and are primarily supervision of the calendar and the budget. Reference Section 5.2.b (state-level administrator).

c. The clerks of the Superior Courts are elected county officers. In certain counties with population less than 3,300, the county clerk is also ex officio county auditor. There are no formal provisions for assigning administrative duties to the clerk. He has responsibilities as determined by the court.

[Const., Art. IV, §26; R.C.W. §36.16.030; Office of Administrator for the Courts]

3.6 Rule-making. The Supreme Court has procedural rule-making authority. The Superior Court establishes uniform administrative rules.

[Const., Art. IV, §24; R.C.W. §§2.04.190, 2.08.230]

Courts of Limited or Special Jurisdiction

4.1.1 JUSTICE OF THE PEACE COURT. The Justice of the Peace Courts are open except on nonjudicial days. Sessions of the court are held at such places as provided by the Justice of the Peace Court districting plan. The court sits as often as business requires in each city of the Justice of the Peace Court districts.

[R.C.W. 3.30.040]

4.2.1 Organization. There is only one county, Columbia, still using a Justice of the Peace Court. All other counties have District Courts. One Justice of the Peace Court serves all of Columbia County. There are no specialized divisions of the court.

[Office of Administrator for the Courts]

4.3.1 Jurisdiction

a. The Justice of the Peace Court has concurrent criminal jurisdiction with the Superior Court over all misdemeanors or gross misdemeanors in its county. The Court cannot impose more than a $500 fine or imprisonment over 6 months in cities over 20,000 population, or a fine over $100 or over 30 days of imprisonment in all other cities.

Full-time justices of the peace who are required by law to be attorneys have jurisdiction in civil matters involving dollar amounts under $1,000; justices who do not fulfill these criteria have civil jurisdiction in matters involving dollar amounts under $500. In all civil matters, however, jurisdiction over cases involving real property, false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction is excluded.

The court has jurisdiction over traffic cases.

b. The Justice of the Peace Court has no appellate jurisdiction.

[Const., Art. IV, §10; R.C.W. §§3.20.020, 3.20.030, 3.20.040]

4.4.1 Judges (2 Justices of the peace)

a. The Justice of the Peace Court does not have a presiding judge.

b. Justices of the peace must be citizens of the United States and the state; must be voters of the precinct in which elected; and cannot be a sheriff, coroner, or Superior Court clerk. Justices who hear cases involving dollar amounts of more than $300 but less than $1,000 must be attorneys.

c. Justices of the peace are elected at the general election of county and precinct officers and serve 4-year terms.

[R.C.W. §§3.04.010, 3.04.040, 3.04.080]

4.5.1 Administration

a. There is no provision for a presiding judge for the Justice of the Peace Court.

b. There is no provision for an administrator for the Justice of the Peace Court. Reference Section 5.2.b (state-level administrator).

c. When clerks are provided for by statute (in cities greater than 100,000 where there are two justices of the peace), they are appointed by the justices acting as a board and are statutorily authorized to perform clerical duties such as taking custody of books, records, and papers; being present during session of court; swearing witnesses; administering oaths; receiving fines; and affixing the seal.

[R.C.W. §§3.12.090, 3.54.020, 35.20.210, 35.20.220, 35.22.440, 35A.20.110]

4.6.1 Rule-making. The Supreme Court has procedural rule-making authority for all courts. Administrative rule-making authority is vested in the individual court.

[R.C.W. §2.04.190; Office of the Administrator for the Courts]

4.1.2 DISTRICT COURT (also called Justice Court). The District Court sits in continuous session.

[Clerk, Thurston County]

4.2.2 Organization. Counties with populations over 125,000 are required to have District Courts. Counties with populations under 125,000 can elect to form District Courts upon majority vote of the county commissioners (county governing board). As of October 1980, there were 73 District Courts based on county and inter-county divisions. Any city can establish a Municipal Department of the District Court that can also be referred to as the Municipal Court of the city.

[R.C.W. §§3.30.020, 3.46.010, 36.13.010; Administrator for the Courts]

4.3.2 Jurisdiction

a. The District Court has criminal jurisdiction, concurrent with the Superior Court and the Municipal Court in cities over 400,000, over all misdemeanors and gross misdemeanors, violations of city ordinances, and proceedings to keep the peace in their respective counties. They cannot impose sentence greater than a fine of $500 and/or 6 months of imprisonment. The District Court has original civil jurisdiction in cases involving sums under $3,000, except actions involving real property, false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction.

The Municipal Department generally hears ordinance violations and traffic cases.

b. The District Court has no appellate jurisdiction.

[R.C.W. §§3.66.020, 3.66.030, 3.66.060, 35.20.250]

4.4.2 Judges (63 full-time, 31 part-time municipal judges serve)

a. In districts having more than one judge, the judges must elect and certify a presiding judge from among their number. If they do not, the Supreme Court designates the presiding judge.

b. District Court judges must be registered voters of their districts and either (1) must be lawyers admitted to the practice of law in the state, or (2) must have been previously elected and have served as a justice of the peace, municipal judge, or police judge in the state, or (3) must have taken and passed a qualifying exam for the office, as provided for by Supreme Court rules in districts under 10,000 population.

c. District Court judges are elected to 4-year terms by the voters of their respective districts.

[R.C.W. §§3.34.050, 3.34.060, 3.34.070; Rules of Court--Justice Court Administrative Rule (hereinafter J.A.R.) 5]

4.5.2 Administration

a. In the District Courts having a presiding judge, the judge supervises the business of the district, assigns judges to departments if the court is departmentalized, supervises the preparation and filing of required reports, and performs such other duties as required by statute or rule.

b. There is no provision for an administrator for the District Court. Reference Section 5.2.b (state-level administrator).

c. When clerks are provided for by statute, they are appointed and statutorily authorized to perform clerical duties. Reference Section 4.5.1.c (Administration).

[R.C.W. §§3.12.090, 3.54.020, 35.20.210, 35.20.220, 35.22.440, 35A.20.110; J.A.R. 5]

4.6.2 Rule-making. The Supreme Court has procedural and administrative rule-making authority, though the courts can adopt procedural rules not inconsistent with Supreme Court rules.

[R.C.W. §3.30.080; J.A.R. 2]

4.1.3 MUNICIPAL COURT (sometimes known as Police Court). The Municipal Court is open except on nonjudicial days. It holds regular and special sessions at such times prescribed by the judges.

[R.C.W. 34.20.030]

4.2.3 Organization. Municipal Courts are provided by law for all municipalities. In cities over 400,000 population, the court is divided into three departments, or more if provided by the legislative body of the city.

[R.C.W. §§3.50.010, 35.20.010, 35.20.100, 35.22.420, 35.23.590, 35.24.450, 35.27.520, 35A.20]

4.3.3 Jurisdiction

a. The Municipal Court, where it exists, has exclusive original jurisdiction in all city ordinance violations. Municipal Courts in cities over 400,000 population also have concurrent jurisdiction with the Superior Court and the District Court over all misdemeanors and gross misdemeanors, and proceedings to keep the peace.

b. The Municipal Court has no appellate jurisdiction.

[R.C.W. §§3.50.020, 3.66.060, 35.20.030, 35.20.250, 35.22.460, 35.23.600, 35.24.460, 35.27.530, 35A.20.040]

4.4.3 Judges (206--94 of which also serve in the District Court)

a. Cities with populations larger than 400,000 have a presiding Municipal Court judge, who is selected by majority vote of the judges of the court.

b. Qualifications for judges vary, depending upon statute or municipal ordinance. In all cities over 5,000 population, judges must be attorneys unless they are justices of the peace.

c. Selection of judges varies with the municipality. The term of office also varies with the municipality, but is generally 4 years.

[R.C.W. §§3.50.040, 3.50.050, 35.20.100, 35.20.150, 35.20.170, 35.22.420, 35.22.660, 35.23.660, 35.24.450, 35.27.520, 35A.20.020]

4.5.3 Administration

a. The presiding judge in Municipal Courts in cities over 400,000 population is responsible for the administration of the court and the assignment of calendars to all departments.

b. The position of court administrator is authorized by statute for Municipal Courts in cities with populations larger than 400,000. Under supervision of the presiding judge, the court administrator supervises the functions of the chief clerk and director of the Traffic Violations Bureau or similar agency, and performs other duties assigned by the presiding judge.

c. The chief clerk of each Municipal Court is appointed by the judges of the court. Upon recommendation of the judges of a Municipal Court, the legislative body of the city may provide for the appointment of assistant clerks as the legislative body may deem reasonable. Some Municipal Court clerks perform administrative duties as well as clerical duties.

[R.C.W. §§35.20.100, 35.20.105, 35.20.210; Office of Administrator for the Courts]

4.6.3 Rule-making. The Supreme Court has procedural rule-making authority. There are no statutory or constitutional provisions for court administrative rules. This is dependent upon municipal ordinance.

[J.A.R. 2, 3]

State-Level Administration

5.1 General administrative authority. The Supreme Court promulgates rules for the administration of all courts. The Chief Justice supervises the Administrator for the Courts in his duties over the state courts. Reference Section 1.5.a.

[R.C.W. §2.56.030; Rules of Court]

5.2 Office of Administrator for the Courts

a. The office is established by statute.

b. Administrator for the Courts

(1) The position of Administrator for the Courts is authorized by statute.

(2) The only statutory qualification is that the Administrator not be over 60 years of age at the time of appointment. The Administrator is selected by the Supreme Court from a list of five persons submitted by the Governor.

(3) The duties of the Administrator include the following: examine the administrative methods used in the courts and make recommendations; determine needs for court assistance in hearing cases and make recommendations to the Chief Justice for the transfer of judges; collect data and make reports on the court as needed, and on the Office of the Administrator annually; prepare and submit budget estimates, and make recommendations for the judicial system; and collect data and make reports on local and state expenditures for the judicial system.

c. Office organization. The Office of Administrator for the Courts consists of 73 people: 52 professionals (including the Administrator for the Courts) and 21 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, computer operations, records management, forms development, and field representation; court coordination and other court services; payroll, accounting, budgeting, and purchasing; education and training; personnel systems; and planning and research activities including statistical compilation, judicial planning, research, evaluation, statistical analysis, and legal services. The administrator, with the approval of the Chief Justice, selects his staff.

[R.C.W. §§2.56.010, 2.56.020, 2.56.030; Administrator for the Courts]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT
6.2.1 Commissioner

a. Commissioners are selected and removed by the judge of the Superior Court of the county or district. They must be citizens of the United States and voters of the counties.

b. Commissioners have the authority, subject to revision by the judge, to perform the duties of judges at chambers (i.e., grant defaults, fix, and approve bonds), take depositions, and perform other duties as prescribed by law.

[Const., Art. IV, §23; R.C.W. §§2.24.010, 2.24.040, 13.04.030]

6.1.2 SUPERIOR COURT
6.2.2 Referee

a. Referees are appointed by and serve at the pleasure of the court or judicial officer. They must be qualified as jurors as provided by statute, must be competent as jurors between the parties, and must be practicing attorneys.

b. Referees have the power to try an issue of law or fact or ascertain any other fact in a civil action and report on it; execute an order, judgment, or decree; and exercise any other power authorized by law.

[R.C.W. §§2.24.060, 4.48.050]

6.1.3 SUPERIOR COURT
6.2.3 Judge pro tempore

a. Judges pro tempore are selected by the parties or their attorneys, and removal is upon final disposition of the case. Judges pro tempore must be members of the bar, must be agreed upon in writing by the parties litigant or their attorneys of record, and must be approved by the court.

b. Judges pro tempore try the cases before them as judges of the court.

[Const., Art. IV, §7; R.C.W. §2.08.180]

6.1.4 JUSTICE OF THE PEACE COURT and DISTRICT COURT
6.2.4 Justice of the peace pro tempore

a. Justices of the peace pro tempore are selected and removed by the court. They must be registered voters of the Justice Court district and must be either lawyers admitted to practice in Washington, or elected justices of the peace, municipal judges or police judges, or, in districts with population less than 10,000, persons who have passed a qualifying exam.

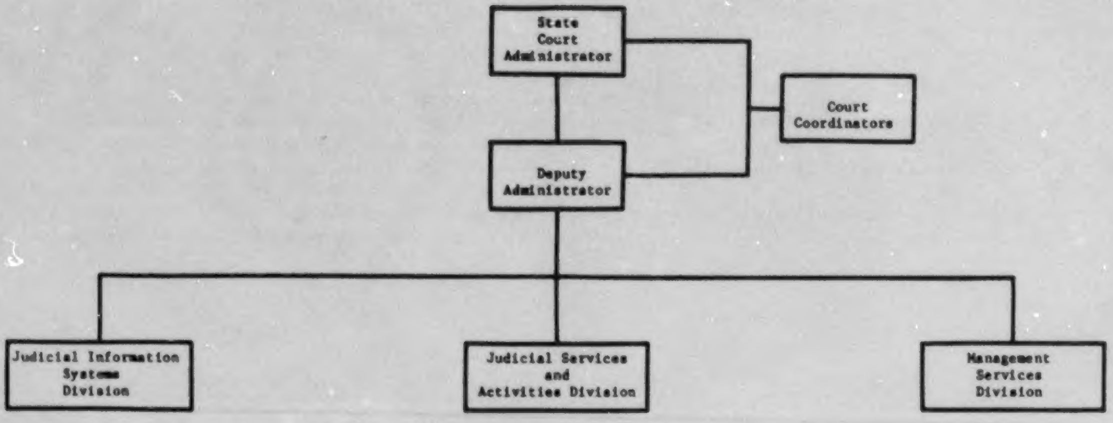

State Court Administrator
Court Coordinators
Deputy Administrator
Judicial Information Systems Division
Judicial Services and Activities Division
Management Services Division

Figure 2: Washington state-level administrative office of the courts, 1980

- Superior court management information systems
- Juvenile court information systems
- Appellate court record and data systems
- District/municipal information systems
- Technical services

- Support services
- Operations
- Planning
- Research and statistics
- Judicial education
- Legal publications
- Public information

- Fiscal administration
- Personnel
- Purchasing

b. Justices of the peace pro tempore can sit as judges of court in any district of the county during the temporary absence, disqualification, or incapacity of the district judge.
[R.C.W. §3.34.130; Administrator for the Courts]

6.1.5 JUSTICE OF THE PEACE COURT and DISTRICT COURT

6.2.5 Justice Court commissioner

a. Justice Court commissioners are selected and removed by the judges of the district. Commissioners must be graduated of an accredited law school, must be in good standing with the Washington Bar Association, and must have had 5 years experience in the practice of law or a judicially related field. Commissioners are required to take an oath of adherence to the Code of Judicial Conduct.

b. Justice Court commissioners have the same authority in criminal matters as district judges possess and prescribe. They have no authority in civil matters.
[R.C.W. §§3.42.020, 3.42.101]

6.1.6 MUNICIPAL COURT

6.2.6 Judge pro tempore

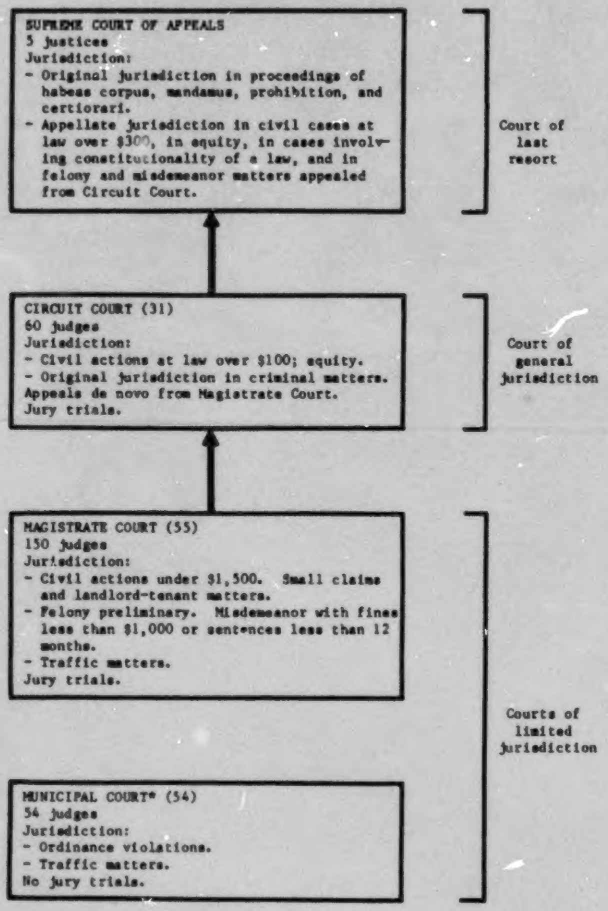
a. Judges pro tempore are selected by the mayor or the chief administrative officer of the city. In cities over 400,000 population the selection is made from a list submitted by the municipal judges. Judges pro tempore must meet the same qualifications as a judge of the Municipal Court.

b. Judges pro tempore have the same duties and responsibilities as judges of the court.
[R.C.W. §§3.50.090, 35.20.200, 35.22.520, 35.23.650, 35.24.480, 35.27.525, 35A.20.100]

Judicial Discipline

7.0 There is no provision for a judicial disciplinary commission.

Figure 1: West Virginia court system, 1980



SUPREME COURT OF APPEALS
5 justices
Jurisdiction:
- Original jurisdiction in proceedings of habeas corpus, mandamus, prohibition, and certiorari.
- Appellate jurisdiction in civil cases at law over $300, in equity, in cases involving constitutionality of a law, and in felony and misdemeanor matters appealed from Circuit Court.

Court of last resort

CIRCUIT COURT (31)
60 judges
Jurisdiction:
- Civil actions at law over $100; equity.
- Original jurisdiction in criminal matters.

Appeals de novo from Magistrate Court.
Jury trials.

Court of general jurisdiction

MAGISTRATE COURT (55)
150 judges
Jurisdiction:
- Civil actions under $1,500. Small claims and landlord-tenant matters.
- Felony preliminary. Misdemeanor with fines less than $1,000 or sentences less than 12 months.
- Traffic matters.

Jury trials.

MUNICIPAL COURT* (54)
54 judges
Jurisdiction:
- Ordinance violations.
- Traffic matters.

No jury trials.

Courts of limited jurisdiction

↑ Indicates route of appeal.

* Municipal Courts are not part of the state unified court system. They are organized and operated at the local level.

WEST VIRGINIA

Court of Last Resort

1.1 SUPREME COURT OF APPEALS. The court sits at Charleston, the state capital. Two regular terms are held each year, commencing on the second Tuesday in January and the first Wednesday in September. Special terms and different locations can be designated by the court.

[Constitution, Article VIII, Section 3; West Virginia Code 1966 (hereinafter Code) Sections 51-1-5, 51-1-6]

1.2 Organization. The Supreme Court of Appeals does not sit in panels.

[Const., Art. VIII, §2]

1.3 Jurisdiction

a. The court has original jurisdiction in proceedings in habeas corpus, mandamus, prohibition, and certiorari.

b. The court's appellate jurisdiction extends to criminal cases where there has been a conviction for a felony or misdemeanor in the Circuit Court, and where there has been a conviction in a court of limited jurisdiction that has been affirmed by the Circuit Court. In criminal cases relating to the public revenue, the right of appeal belongs to the state as well as the defendant. The court has appellate jurisdiction in civil cases at law where the matter in controversy exceeds $300 (amount may be increased by a legislative act); in civil cases in equity; in controversies concerning the titles or boundaries of land; in proceedings in quo warranto, habeas corpus, mandamus, prohibition, and certiorari; and in cases involving personal freedom or the constitutionality of a law.

[Const., Art. VIII, §3; Code §51-1-3]

1.4 Justices (5)

a. The position of Chief Justice is filled by selection of the court. A rotation plan determined by the court governs the length of service in this role.

b. Supreme Court of Appeals justices must have a law degree with at least 10 years of legal experience. They must also be at least 30 years old and must have been residents of the state for at least 5 years.

c. Supreme Court of Appeals justices are elected by the voters to 12-year terms in statewide elections. Partisan ballots are used. Vacancies are filled by gubernatorial appointment pending the next general election. If the unexpired term is for less than 2 years, the position is filled by the Governor without referral to the voters.

[Const., Art. IV, §4, Art. VIII, §§2, 7; Code §3-1-16; By Court Order; Administrative Director]

1.5 Administration

a. The Chief Justice is the administrative head of the courts. He exercises administration and supervision over the entire court system through the Administrative Director of the Supreme Court of Appeals, chief judges of the Circuit Court, Circuit Court administrative assistants, and chief magistrates. Reference Section 5.1 (General administrative authority). The Chief Justice has no specifically articulated duties, however, with regard to the administration of the Supreme Court. His duties are listed by court order.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court of Appeals is appointed by and serves at the pleasure of the court. There are no formal provisions for assigning administrative duties to the clerk. He has supervisory authority over the functions of the clerk's office.

[Const., Art. VIII, §3; Administrative Director]

1.6 Rule-making. The court has the power to promulgate rules relating to writs, warrants, process, practice, and procedure for all cases and proceedings, criminal and civil, for all courts of the state. The Supreme Court also has general supervisory control over all Circuit and Magistrate Courts.

[Const., Art. VIII, §3; Administrative Director]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in West Virginia.

Court of General Jurisdiction

3.1 CIRCUIT COURT. Court terms presently are specified by statute; however, the Supreme Court of Appeals is constitutionally authorized to designate court terms. Court must be held in each county at least three times annually.

[Const., Art. VIII, §5; Code §51-2-1a to §5-2-1ee]

3.2 Organization. The state is divided into 31 circuits. Each circuit contains from one to four counties. There are no specialized divisions of the court.

[Code §51-2-1]

3.3 Jurisdiction

a. The Circuit Court has original jurisdiction in all crimes and misdemeanors. The court has original jurisdiction in all civil cases at law exceeding $100 (amount can be increased by the legislature); in all civil cases in equity; and in proceedings in habeas corpus, mandamus, quo warranto, prohibition, and certiorari. The legislature is constitutionally authorized to transfer probate jurisdiction from the County Commissions to the Circuit Court, if and when it deems it appropriate.

b. Appeals, as permitted by law, from decisions of the Magistrate Court are by trial de novo in the Circuit Court.

[Const., Art. VIII, §6]

3.4 Judges (60)

a. There is no provision for a chief judge over all the circuits of the Circuit Court. In circuits with two or more judges, a chief judge is selected as prescribed in the local rules of court.

b. Circuit Court judges must be attorneys with at least 5 years of legal experience. They must also be at least 30 years old and must have been residents of the state for at least 5 years.

c. Circuit Court judges are elected in partisan elections to 8-year terms by the voters of the circuits.

[Const., Art. IV, §4, Art. VII, §§5, 7; Administrative Director]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the circuits of the Circuit Court, the chief judge of each circuit is the constitutional administrative head of the circuit (including all Magistrate Courts in the circuit). He is responsible for the division of business in the Magistrate Court. The chief judge appoints the chief magistrate and the Magistrate Court clerk. He also appoints magistrates to fill vacancies pending the next election. The chief judge may order any magistrate to serve temporarily at another location within the county, and may make temporary assignments outside the county.

b. There is no provision for an administrator over all the circuits of the Circuit Court. The position of administrative assistant for each circuit is a classified position within the state judicial personnel system. The filling of the position is discretionary. The administrative assistant is appointed by the chief judge of the circuit. Some of his duties are as follows: he manages and directs court administrative activities; assigns personnel; procures equipment and supplies; directs budgeting, accounting, and personnel services; supervises record filing and disposition procedures; confers with judges, attorneys, and public/private agencies to ensure adequate administrative services; and performs other duties as directed.

c. Circuit Court clerks are elected by the voters to 6-year terms. There are no formal provisions for assigning administrative duties to the clerks. They have responsibilities as determined by their respective courts.

[Const., Art. VIII, §§6, 9; Code §§50-1-6, 50-1-7, 50-1-8, 50-1-13; Personnel Manual, pp. A-8, 5-1; Administrative Director]

3.6 Rule-making. Reference Section 1.6. Subject to the approval of the Supreme Court, each Circuit Court has the authority to establish local rules to govern the court.

[Const., Art. VIII, §6]

Courts of Limited or Special Jurisdiction

4.1.1 MAGISTRATE COURT. The Magistrate Court sits in continuous session.

[Administrative Director]

4.2.1 Organization. There is a Magistrate Court in each of the state's 55 counties. There are no specialized divisions of the court.

[Const., Art. VIII, §10; Code §50-1-1]

4.3.1 Jurisdiction

a. The Magistrate Court has jurisdiction in all misdemeanors committed in the county and jurisdiction to conduct preliminary examinations on warrants charging felonies. A magistrate may issue arrest warrants. Except in capital cases, a magistrate may set and admit to bail. Magistrates have jurisdiction in civil actions where the amount in controversy is less than $1,500. They also have jurisdiction in matters involving unlawful entry or detainer of real estate so long as there is no title dispute.

b. The Magistrate Court has no appellate jurisdiction.

[Code §§50-2-1, 50-2-3]

4.4.1 Judges (150). The number of magistrates per county is determined by a statutory formula, which uses population increments.

a. If deemed appropriate, the chief judges of the circuits may appoint one of the magistrates as the chief magistrate who serves at the pleasure of the appointing judge.

b. Magistrates' qualifications are set by the legislature, but the constitution prohibits any requirement that they be attorneys. Magistrates must be at least 21 years old and must have a high school education. Prior to assuming office they must complete a course of instruction in rudimentary principles of law as prescribed by the Supreme Court.

c. Magistrates are selected by the voters of the counties from partisan ballots. Magistrates serve 4-year terms.

[Const., Art. VIII, §10; Code §§50-1-1, 50-1-2, 50-1-4, 50-1-7]

4.5.1 Administration

a. Chief magistrates are responsible for all administrative functions of their respective courts as specified in the Code, court rules, or as ordered by the chief judges of the circuits. As a minimum, these functions include supervision of the court clerk in establishing and maintaining a centralized docketing system, submitting required reports, and notifying the chief judges when the caseload requires additional magistrates.

b. There are no provisions for administrators for the Magistrate Court. Reference Section 5.2.b (state-level administrator).

c. Magistrate Court clerks are appointed by the chief judges of the circuits. If the Magistrate Court has less than three magistrates, the chief judge can direct the Circuit Court clerk to serve both courts. The court clerk assists the chief magistrate in the performance of his administrative duties.

[Code §§50-1-7, 50-1-8]

4.6.1 Rule-Making. Reference Section 1.6.

4.1.2 MUNICIPAL COURT. (The Municipal Court is not considered a part of the state system and functions independently of the Chief Justice and the Administrative Office of the Supreme Court of Appeals.) The Municipal Court meets whenever caseload demands it, usually once or twice a week.

[Administrative Director]

4.2.2 Organization. Each Municipal Court has jurisdiction within the municipality. There are no geographical or specialized divisions of the Municipal Court.

[Code §8-10-1]

4.3.2 Jurisdiction

a. The Municipal Court has jurisdiction over ordinance violations.

b. The Municipal Court has no appellate jurisdiction.

[Const., Art. VIII, §11]

4.4.2 Judges (54). Mayors serve as ex officio Municipal Court judges. The cities may also provide for the election or appointment of one Municipal Court judge if they desire.

a. The Municipal Court does not have presiding judges.

b. Municipal Court judges must be at least 30 years old and must have been residents of the state for at least 5 years. Additional qualifications may be prescribed by the local governing body.

c. The method of appointment or election and the term of office are prescribed by ordinance.

[Const., Art. IV, §4; Code §§8-10-1, 8-10-2]

4.5.2 Administration. All matters relating to the administration of these courts are determined by the local governing body.

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court.

c. There are no provisions for clerks for the Municipal Court.

[Code §8-10-2]

4.6.2 Rule-making. The Municipal Court may establish rules of court provided they are consistent with the law and the rules of the Supreme Court.

[Code §§8-10-1, 8-10-2]

State-Level Administration

5.1 General administrative authority. The Supreme Court has general supervisory control over all intermediate appellate courts (none have been established), the Circuit Court, and the Magistrate Court. The Chief Justice is the administrative head of the courts. The court appoints the Administrative Director and other employees of the court. It also prescribes their duties and compensation and can remove them. The Chief Justice can assign judges from one court to another for temporary service. Under his direction, the Administrative Director prepares and submits the judicial budget. The Supreme Court provides "for dividing the business of those circuits in which there is more than one judge between the judges thereof so as to promote and secure the convenient and expeditious transaction of such business." Reference Section 1.5.a.

[Const., Art. VIII, §§3, 5]

5.2 Administrative Office of the Supreme Court of Appeals

a. The administrative office is established by statute.

b. Administrative Director of the Supreme Court of Appeals

(1) The position of Administrative Director of the Supreme Court of Appeals is authorized by the constitution.

(2) It is desirable that the Administrative Director be a graduate of a 4-year college with a degree in public or business administration or in a related field. He should have extensive experience in court or related administrative or professional work. The Administrative Director is appointed by the Supreme Court.

(3) The Administrative Director prepares and submits the judicial budget. He has charge of all administrative matters relating to clerks' offices, examines the state of the dockets in the various courts, and secures information as to their needs for assistance. He is responsible for the preparation of statistical data on and reports of the business transacted by the courts. His duties also include the purchase, exchange, transfer, and distribution of equipment and supplies and such other duties assigned to him by the Supreme Court. The Administrative Director serves as the Secretary of the Judicial Council (reference Table 26: Judicial councils and conferences).

c. Office organization. The Administrative Office of the Supreme Court consists of 12 people: 5 professionals (including the Administrative Director) and 7 clerical personnel. The professional staff provides support services in the following areas: information systems activities, court support services, finance and budget activities, personnel services, public information and liaison activities, and planning and research activities.

[Const., Art. VIII, §3; Code §§ 51-1-17, 56-11-1; Administrative Director]

Quasi-Judicial Officers

6.1.1 CIRCUIT COURT
6.2.1 Commissioner

a. The Circuit Court may appoint from four to eight commissioners, depending on the population of the circuit. Individual courts establish the qualifications for the position. The commissioner serves at the pleasure of the court.

b. The commissioner has the power to take depositions, to swear and examine witnesses, and to certify their testimony.

[Code §§51-5-1, 56-7-1, 57-5-1]

6.1.2 CIRCUIT COURT
6.2.2 Juvenile referee

a. The judge or judges of the Circuit Court can appoint one person who is qualified by education and experience to serve as a referee on a full or part-time basis in each county.

b. A referee holds detention hearings. He is not permitted to conduct hearings on the merits of any case. A referee may order detention, but his decision is appealable to the judge of the Circuit Court who appointed him, or, in some circuits, to any one of a group of judges who appointed him.

[Code §49-5a-1 to §49-5a-6]

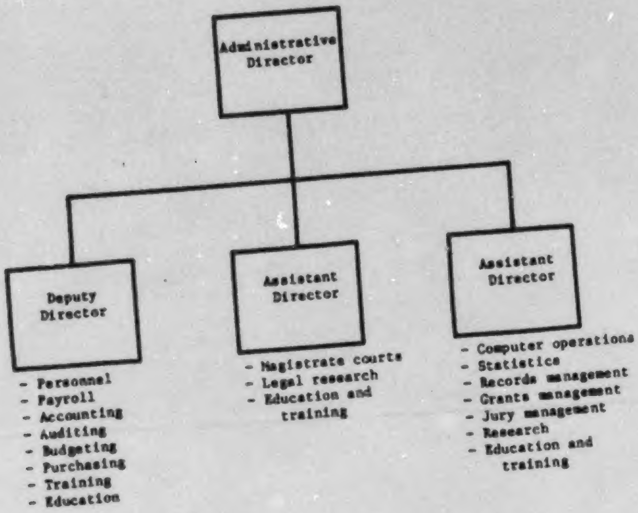
6.1.3 CIRCUIT COURT
6.2.3 Special judge

a. A special judge may be elected by the attorneys involved in the case when a judge is unable to attend and hold court. The clerk of the court holds the election, declares the results, and enters the same on the record. The special judge is required to take an oath of office. There are no formal qualifications for this position, but in practice special judges are local attorneys.

b. The special judge assumes the duties, authority, and responsibility of the judge for whom he is presiding.

[Code §51-2-10 to §51-2-12]

Figure 2: West Virginia state-level administrative office of the courts, 1980


Administrative Director
Deputy Director
- Personnel
- Payroll
- Accounting
- Auditing
- Budgeting
- Purchasing
- Training
- Education
Assistant Director
- Magistrate courts
- Legal research
- Education and training
Assistant Director
- Computer operations
- Statistics
- Records management
- Grants management
- Jury management
- Research
- Education and training

Judicial Discipline

7.1.1 Judicial Inquiry Commission. The Judicial Inquiry Commission consists of three Circuit Court judges appointed by the West Virginia Judicial Association, two nonattorneys appointed by the Supreme Court, and two attorneys appointed by the bar's Board of Governors.

[Rules of Procedure for the Handling of Complaints Against Justices, Judges and Magistrates (hereinafter Rules) 1]

7.2.1 Authority and procedure for sanction. The Judicial Inquiry Commission receives complaints and conducts a full investigation. A hearing is not permitted at this stage and no oral testimony is taken. The accused judge is afforded an opportunity to submit a statement in writing. If a reasonable basis exists for the complaint, the commission refers the charge to the Judicial Review Board (reference following section) and notifies the accused judge at the same time.

[Rules 1]

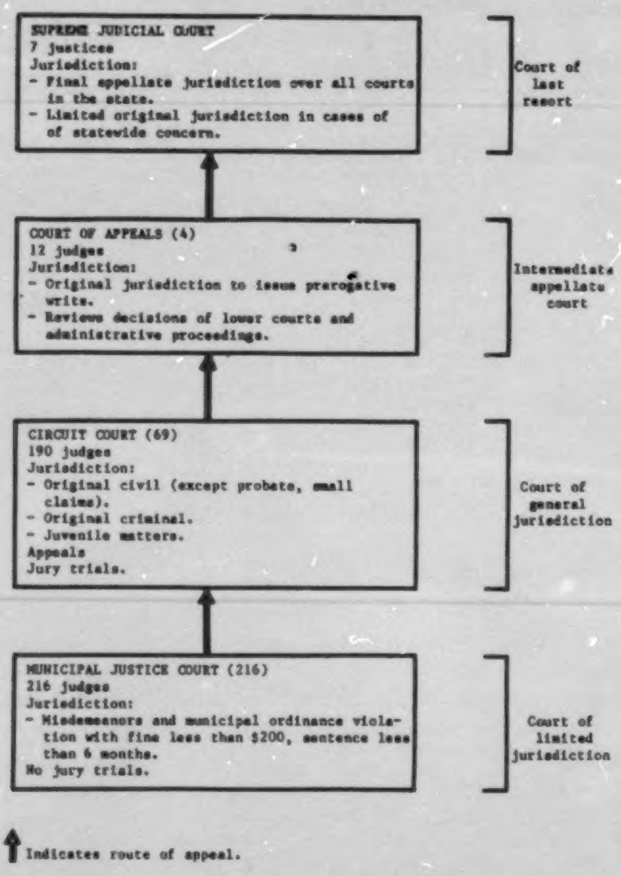
7.1.2 Judicial Review Board. The Judicial Review Board consists of three Circuit Court Judges appointed by the Supreme Court and two attorneys appointed by the bar's Board of Governors.

[Rules 2]

7.2.2 Authority and procedure for santion. The Judicial Review Board is convened to hear complaints filed by the Judicial Inquiry Commission. At the conclusion of the public hearing and upon consideration of all the substantial, probative, and reliable evidence developed and upon arguments presented, the board makes its recommendation to the Supreme Court. Prior to the court's decision, the judge is afforded the opportunity to be heard. The court can dismiss the complaint, or it can direct that the judge be admonished, privately reprimanded, publicly censured, temporarily suspended for a period of up to 1 year without pay, or fined up to $5,000 together with the costs of the commission and board, or any combination thereof. It may also retire a judge who is eligible for retirement if he is unable to perform his duties because of advancing years and attendant physical or mental incapacity.

[Rules 2]

Figure 1: Wisconsin court system, 1980


SUPREME JUDICIAL COURT
7 justices
Jurisdiction:
- Final appellate jurisdiction over all courts in the state.
- Limited original jurisdiction in cases of of statewide concern.
Court of last resort
COURT OF APPEALS (4)
12 judges
Jurisdiction:
- Original jurisdiction to issue prerogative writs.
- Reviews decisions of lower courts and administrative proceedings.
Intermediate appellate court
CIRCUIT COURT (69)
190 judges
Jurisdiction:
- Original civil (except probate, small claims).
- Original criminal.
- Juvenile matters.
Appeals
Jury trials.
Court of general jurisdiction
MUNICIPAL JUSTICE COURT (216)
216 judges
Jurisdiction:
- Misdemeanors and municipal ordinance violation with fine less than $200, sentence less than 6 months.
No jury trials.
Court of limited jurisdiction
Indicates route of appeal.

WISCONSIN

Court of Last Resort

1.1 SUPREME COURT. The court sits in Madison for one session each year beginning on the second Tuesday in August.

[Wisconsin Statutes Annotated (hereinafter W.S.A.) §251.06]

1.2 Organization. The court does not sit in panels or divisions.

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in cases of statewide concern, such as elections and bond issues where the taking of evidence is not required. The court also may issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and any other writs necessary to administer justice.

b. The Supreme Court has appellate jurisdiction over all matters of appeal, error, or complaint from the decisions or judgments of Court of Appeals or of any Circuit or County Court. The Wisconsin Constitution provides that the Circuit Court has appellate jurisdiction over all courts of limited jurisdiction. As provided by statutes, however, appeals in all but limited classes of cases are heard by the Supreme Court. These classes include appeals in misdemeanor cases, small claims cases, and other limited cases.

[Constitution, Article VII, Sections 3, 8; W.S.A. §§299.30 (1969), 751.05, 751.07, 974.01 (1969)]

1.4 Justices (7)

a. The court is presided over by a Chief Justice. The justice with the longest continuous service is designated as the Chief Justice. If two justices have served for the same length of time, the justice whose term will expire first becomes Chief Justice. He completes his term in this role.

b. Supreme Court justices must be United States citizens, must be qualified voters, must be between the ages of 25 and 70 years, and must have practiced law for at least 5 years, and be licensed to practice law in Wisconsin.

c. Regular terms of all Wisconsin justices and judges are filled by elections held on a nonpartisan basis in the April general election. If more than two candidates file for a particular judgeship, a primary election is held 4 weeks in advance of the general election. In the event of a vacancy in any of the courts, the Governor is empowered to appoint a replacement if the date of the next spring election is 90 days beyond the date of appointment. Supreme Court justices serve 10-year terms.

[Const., Art. VII, §§4, 4(2), 9, 10; W.S.A. §§8.11, 8.50]

1.5 Administration

a. The Chief Justice is the head of the judicial system. Reference Section 5.1 (General administrative authority). He exercises administration and supervision over the entire court system through the Administrator of Courts, the Executive Officer, and the chief judges of the 14 judicial administrative districts.

b. The Executive Officer is the administrator of the Supreme Court and executive assistant to the Chief Justice. He is appointed by the Supreme Court. His responsibilities include supervision of the offices of the Supreme Court clerk, the marshall, and the reporter; and supervision of budget preparation for the Supreme Court.

c. The Supreme Court appoints a clerk, who appoints a deputy clerk. The clerk performs the following duties:

(1) Keeps custody of the seal of the court; all books, records, and papers; and all writs, proceedings, and papers of any action of the court.

(2) Supervises the handling of all moneys or property deposited or placed in his possession as clerk.

(3) Furnishes certified copies of papers, records, opinions, and decisions.

(4) Furnishes to the reporter copies of all opinions required by him.

(5) Issues writs and process to persons entitled to the same by law or the rules and practice of the court.

(6) Makes a calendar of cases for argument as the court directs.

(7) Gives certificates to attorneys on their admission to practice in the court.

(8) Performs other required duties.

[Const., Art. VII, §12; W.S.A. §§251.21, 751.02; Wisconsin Appellate Practice and Procedure Study, pp. B-1 and B-2]

1.6 Rule-making. The Supreme Court prescribes rules to regulate procedures in all courts. The Supreme Court has superintending and administrative authority over all courts.

[Const., Art. VII, §3]

Intermediate Appellate Court

2.1 COURT OF APPEALS. The Court of Appeals has an administrative headquarters in Madison. The court is made up of four districts: District 1 sits in Milwaukee; District 2 sits in Waukesha, Fond du Lac, and Racine; District 3 sits in Wausau, Eau Claire, Superior, and Green Bay; and District 4 sits in Madison, La Crosse, and Stevens Point.

[W.S.A. §§752.05; 752.13; 752.15; 752.17; 752.19]

2.2 Organization. The state is divided into four Court of Appeals districts. The court sits in 3-judge panels.

[W.S.A. §752.03]

2.3 Jurisdiction

a. The Court of Appeals has original jurisdiction to issue necessary writs in aid of its jurisdiction.

b. The Court of Appeals has appellate jurisdiction to review administrative proceedings, as the legislature may provide by law.

[W.S.A. §752.01]

2.4 Judges (12)

a. The chief judge of the Court of Appeals is appointed by the Supreme Court for a 3-year term.

b. Court of Appeals judges must meet the same qualifications as Supreme Court justices. Reference Section 1.4.b. In addition, they must reside within the districts in which they are elected.

c. Court of Appeals judges are elected for 6-year terms by popular election on a nonpartisan basis.

[W.S.A. §§752.04; 752.07]

2.5 Administration (Information not available)

2.6 Rule-making. Reference Section 1.6.

Court of General Jurisdiction

3.1 CIRCUIT COURT (Information not available)

3.2 Organization. Wisconsin is divided into 69 judicial circuits. There is one county per circuit except in three circuits where two counties are combined to form a single circuit. In counties with a population of 500,000 or more, two or more circuit judges serve on the Family Court. The state is divided into 14 judicial administrative districts for the purpose of administering the court system. Each district includes all the Circuit Courts within the district. The chief judge in each of the state's 14 judicial administrative districts designates which judge is to exercise juvenile jurisdiction in every county having two or more judges. For counties having only one circuit judge, that judge presides in juvenile matters as well as all other matters.

[W.S.A. §§252.017; 757.60; Legislative Note to W.S.A. §48.11]

3.3 Jurisdiction

a. The Circuit Court has original jurisdiction in all criminal and civil matters in the state unless exclusive jurisdiction is given to some other court. The Circuit Court is referred to as the Family Court when hearing domestic relations, juvenile matters, welfare fraud, and mental commitments in counties with a population of 500,000 (Milwaukee County).

b. The Wisconsin Constitution provides that the Circuit Court has appellate jurisdiction over limited jurisdiction courts in the state.

[Const., Art. VII, §§7, 8; W.S.A. §§252.017, 753.03]

3.4 Judges (190)

a. The Circuit Courts do not have a chief judge over all the circuits. Each judicial administrative district has a chief judge, who is appointed by the Supreme Court. The chief judges serve for 2-year terms. No chief judge may serve more than three successive terms of office.

b. Circuit Court judges must meet the same qualifications as Court of Appeals judges. Reference Section 2.4.b.

c. Circuit Court judges are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. They serve 6-year terms.

[W.S.A. §§753.01, 757.61; 757.641]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the Circuit Courts, there is a chief judge for each of the judicial administrative districts, who is responsible for such matters as personnel and financial administration, caseflow management, calling and presiding over meetings of the circuit judges within the district, and representing the court before other branches of government, other courts, and the news media.

b. There are no provisions for an administrator over all the Circuit Courts or for administrators for the 14 judicial administrative districts. Reference Section 5.2.b (state-level administrator).

c. The clerks keep all court records and are generally considered responsible for most support personnel.

[W.S.A. §§59.39, 757.63(2), 757.63(3)(a), 757.63(3)(b), §757.63(3)(f), §757.63(3)(g), 757.63(3)(j); Citizens Study Committee on Judicial Organization, Report, p. 95]

3.6 Rule-making. Reference Section 1.6. The Board of Circuit Judges, made up of all the Circuit Court judges, has established rules of Circuit Court procedure consistent with rules prescribed by the Supreme Court, and meets at least annually to exchange ideas and recommend changes in procedures.

[W.S.A. §252.08]

Court of Limited or Special Jurisdiction

4.1 MUNICIPAL JUSTICE COURT (Information not available)

4.2 Organization. Each city, town, or village may locally establish a Municipal Court. A municipality may establish as many branches of the court as it deems necessary.

[W.S.A. §§755.01, 755.01(3)]

4.3 Jurisdiction

a. The Municipal Justice Court has jurisdiction over all municipal ordinance violations.

b. The Municipal Justice Court has no appellate jurisdiction.

[W.S.A. §755.045]

4.4 Judges (216)

a. The Municipal Justice Courts do not have presiding judges.

b. Municipal Justice Court judges are not required to have legal training.

c. Municipal Court judges are selected in the same manner as Supreme Court justices. Reference Section 1.4.c. Municipal Court judges are elected every 2 to 4 years, depending on the municipal election.

[W.S.A. §755.02; National Survey of Court Organization, p. 249]

4.5 Administration

a. There are no provisions for presiding judges for the Municipal Courts.

b. There are no provisions for administrators for the Municipal Courts. Reference Section 5.2.b (state-level administrator).

c. Municipal Court judges appoint clerks and deputy clerks as authorized by the Municipal Council or Board.

[W.S.A. §755.10]

4.6 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General administrative authority. The Chief Justice is head of the judicial system. He may assign any judge to aid in the proper disposition of judicial business in any other court except the Supreme Court. Reference Section 1.5.a.

5.2 Office of Administration of Courts

a. (Information not available)

b. Administrator of Courts

(1) (Information not available)

No information is available on the structure of the Wisconsin Office of Administration of the Courts.

(2) The Administrator of Courts must be a graduate of an accredited college or university (a law degree is desirable). He must also have demonstrated professional work experience in court administration. The Administrator of Courts is appointed by the Supreme Court.

(3) The Administrator of Court is responsible for gathering statistical reports on caseload and information about the judicial business of trial courts in the state; conducting research and formulating recommendations on court organization and functions (there is a planning department in his office); reporting to the Governor, the legislature, and the Supreme Court every 2 years on the operation of the court system; and disseminating information on the operation of the state court system.

c. Office Organization. The Executive Officer, who functions as the administrator of the Supreme Court, also works out of the Office of Administration of Courts. He is appointed by the Supreme Court. He has a number of responsibilities relating to the administration of the Supreme Court. Reference Section 1.5.b. Each of these officers has his own staff.

[W.S.A. §§257.15, 257.19, 257.19(2); The Wisconsin Judicial System, p. 4; State Court Administrators, p. 114, 115; Administrator of Courts and Executive Officer]

Quasi-Judicial Officers

6.1 CIRCUIT COURT

6.2 Court commissioner

a. Full-time court commissioners are appointed by the chief judge of each judicial administrative district. In each county the circuit judges appoint part-time commissioners as needed. All court commissioners appointed after May 16, 1978, other than official court reporters, must be attorneys licensed to practice law in the state.

b. On authority delegated by a judge, which may be a standard order, and with the approval of the chief judge, a court commissioner appointed under W.S.A. §757.68 may perform the following duties: direct a case to the proper court if the defendant wishes to enter a plea after intelligent waiver of rights; in criminal matters, issue summonses, arrest warrants, or search warrants and conduct initial appearances of persons arrested and set bail to the same extent as a judge; conduct initial appearances in all traffic cases; conduct initial return appearances and conciliation conferences in small claims type actions; conduct noncontested probate proceedings; issue warrants and capiases for those who do not appear as sumoned; in juvenile matters, issue summonses and warrants, order the release or detention of children apprehended, conduct detention and shelter care hearings, conduct preliminary appearances, and enter into consent decrees; and hear petitions for commitment and conduct probate cause hearings. Judges may refer certain cases to commissioners, such as when the trial of an issue of fact requires the examination of an account, in which case the court commissioner may be directed to report upon any specific question of fact involved therein. Court commissioners may also officiate at a marriage ceremony; issue subpoenas and attachments or other process to compel the attendance of witnesses, administer oaths and affidavits, take depositions and testimony when authorized by law or rule or order, and certify and report the depositions and testimony; and other duties as listed under W.S.A. §757.69

[W.S.A. §§757.68, 757.69]

Judicial Discipline

7.1 Judicial Commission. The commission consists of nine members: five nonlawyers, nominated by the Governor and appointed with the advice and consent of the Senate; one Court of Appeals judge and one trial judge of a court of record, appointed by the Supreme Court; and two members of the state bar of Wisconsin who are not judges, appointed by the Supreme Court.

[W.S.A. §757.83]

7.2 Authority and procedure for sanction. The commission investigates any possible misconduct or disability of a judge. Subpoenas may be issued to compel the attendance and testimony of witnesses and to command the production of books, papers, documents, or tangible things connected with the investigation. Before finding probable cause, the commission must notify the judge of the substance of the complaint or petition and must afford the judge a reasonable opportunity to respond. If the judge responds, the commission considers the response before it finds probable cause. A record is kept of any hearing on a formal complaint or petition. The hearing may be before a panel made up of three Court of Appeals judges or before a jury, if requested by the commission. If the hearing is by a panel, the panel makes findings of fact, conclusions of law, and recommendations regarding appropriate discipline for misconduct or appropriate action for disability with the Supreme Court. If the hearing is by a jury, the presiding judge files the jury verdict and his recommendations with the Supreme Court. The Supreme Court reviews the findings of fact, conclusions of law, and recommendations; and determines appropriate discipline or appropriate action in cases of disability.

[W.S.A. §§757.85, 757.89, 757.91]

WYOMING

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court holds at least two terms annually in the capital city of Cheyenne.

[Constitution, Article 5, Section 7]

1.2 Organization. There are no provisions for panels in the Supreme Court. A majority of the five justices on the court constitutes a quorum, and the concurrence of a majority of such quorum is sufficient to decide any matter.

[Const., Art. 5, §4(a)]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction in quo warranto and mandamus directed to state officials, and in habeas corpus. The court also has the power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary for the exercise of its appellate and revisory jurisdiction. The court has the authority to establish rules and regulations establishing practice and procedure for disciplining, suspending, and disbarring practicing attorneys in Wyoming.

b. The Supreme Court has general appellate jurisdiction, coextensive with the state, in all criminal and civil cases.

[Const., Art. 5, §§2, 3; Wyoming Statutes Annotated (hereinafter W.S.A.) Section 5-2-118(A)(iii)]

1.4 Justices (5)

a. The Chief Justice serves at the pleasure of the Court.

b. Supreme Court justices must be at least 30 years of age, must be United States citizens, and must have been residents of the state for at least 3 years. They must be learned in the law, having practiced law at least 9 years, or they must have a combination of judicial service in any court of record and practice of law that equals 9 years.

c. Supreme Court justices are appointed by the Governor from a list of nominees submitted by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions) and stand for retention in office at the next general election after completing 1 year in office. Justices serve 8-year terms after which they must again stand for retention.

[Const., Art. 5, §§4(f), 4(g), 8; Court Administrator]

1.5 Administration

a. The Supreme Court exercises administration and supervision over the entire court system through the Chief Justice, the Court Administrator, and the Court Coordinator. Reference Section 5.1 (General administrative authority). The Chief Justice is the chief administrator for the system. With regard to the administration of the Supreme Court, he performs the following duties: schedules and calls sessions of court, assignment meetings, weekly conferences, opinion meetings, and other meetings of the court; assigns cases for opinion writing; appoints members of the judiciary to sit in place of any justice who is disqualified or unable for any other reason to sit on any case; appoints members of the court to such committees as may be constituted for standing or special purposes; supervises assignment of space to court personnel; approves employment of members of court staff; and assigns additional duties to justices as required.

b. The Court Coordinator provides administrative service to the Supreme Court. He also performs legal duties for the court including rule-drafting and legislative relations. In addition, he monitors the operations of the County Court, the Justice of the Peace Court, and the Municipal Court. The Court Administrator has supervisory and management responsibilities over Supreme Court staff members who work in administrative and non-legal positions. Reference Section 5.2.b (state-level administrator).

c. The clerk of the Supreme Court is both a constitutionally and a statutorily authorized position. The clerk is responsible for maintaining the records of the Supreme Court and performing all functions related to the filing of papers, the collection of fees, the announcement of decisions, the distribution of opinions, and the admission of attorneys. The clerk also performs office management duties.

[Const., Art. 5, §9; W.S.A. §5-2-102; Rule 1, Internal Operating Procedures, Supreme Court; Personnel Manual, Supreme Court; Court Administrator]

1.6 Rule-making. The Supreme Court of Wyoming has the power to adopt, modify, and repeal general rules and forms governing pleading, practice, and procedure in all courts of the state, for the purpose of promoting the speedy and efficient determination of litigation upon its merits. The court also has general superintending control over all other courts in the state, and specific rule-making authority with regard to the administration of the business of the District Court.

[Const., Art. 5, §2; W.S.A. §§5-2-114; 5-3-102, Court Administrator]

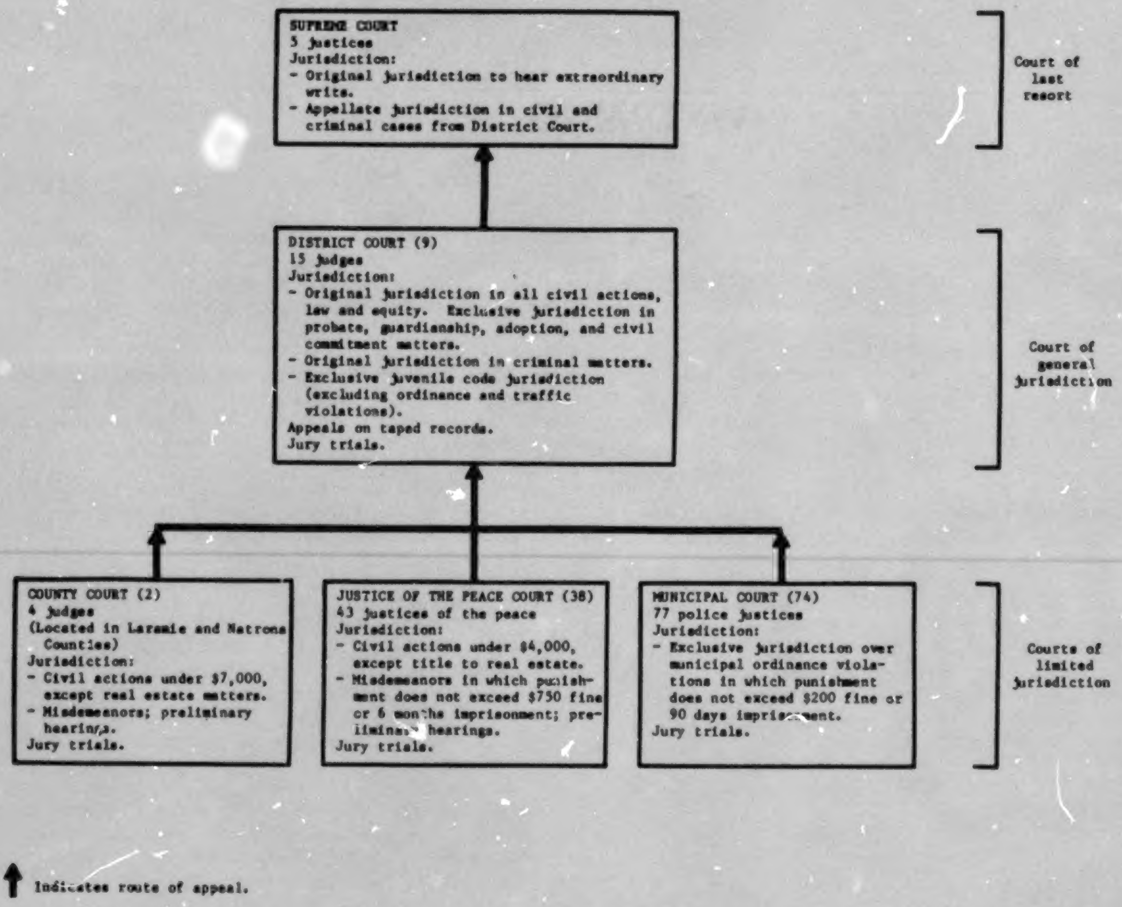
Intermediate Appellate Court

2.0 There is no intermediate appellate court in Wyoming.

Court of General Jurisdiction

3.1 DISTRICT COURT. The District Court holds terms as prescribed by law. Sections 5-3-101 of the Wyoming Statutes Annotated 1977 sets forth

Figure 1: Wyoming court system, 1980



SUPREME COURT
5 justices
Jurisdiction:
- Original jurisdiction to hear extraordinary writs.
- Appellate jurisdiction in civil and criminal cases from District Court.

DISTRICT COURT (9)
15 judges
Jurisdiction:
- Original jurisdiction in all civil actions, law and equity. Exclusive jurisdiction in probate, guardianship, adoption, and civil commitment matters.
- Original jurisdiction in criminal matters.
- Exclusive juvenile code jurisdiction (excluding ordinance and traffic violations).

Appeals on taped records.
Jury trials.

COUNTY COURT (2)
4 judges
(Located in Laramie and Natrona Counties)
Jurisdiction:
- Civil actions under $7,000, except real estate matters.
- Misdemeanors; preliminary hearings.

Jury trials.

JUSTICE OF THE PEACE COURT (38)
43 justices of the peace
Jurisdiction:
- Civil actions under $4,000, except title to real estate.
- Misdemeanors in which punishment does not exceed $750 fine or 6 months imprisonment; preliminary hearings.

Jury trials.

MUNICIPAL COURT (74)
77 police justices
Jurisdiction:
- Exclusive jurisdiction over municipal ordinance violations in which punishment does not exceed $200 fine or 90 days imprisonment.

Jury trials.

Court of last resort
Court of general jurisdiction
Courts of limited jurisdiction
↑ Indicates route of appeal.

the beginning dates of terms of court in each county.

[Const., Art. 5, §24]

3.2 Organization. The state of Wyoming is divided into nine judicial districts. There is a District Court in each of the districts. The legislature makes provisions for attaching unorganized counties (new counties) to organized counties for judicial purposes. There are no specialized divisions of the court.

[Const., Art. 5, §24; Court Administrator]

3.3 Jurisdiction

a. The District Court has original jurisdiction in all criminal cases as well as in all cases in law and equity. The courts have the power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

b. The District Court has appellate jurisdiction over cases from courts of limited jurisdiction in the counties of the districts as may be prescribed by law.

[Const., Art. 5, §10]

3.4 Judges (15)

a. The District Court does not have a chief judge over all the districts. In multiple-judge districts, the judges select one of their number to act as coordinator. If no coordinator is selected, the Supreme Court may designate one.

b. District Court judges must be practicing attorneys, must be at least 28 years of age, must be citizens of the United States, and must have been residents of Wyoming for at least 2 years preceding their election.

c. District Court judges are appointed by the Governor from a list of nominees submitted by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). They must stand for retention in office in the same manner as Supreme Court justices. Reference Section 1.4.c. They serve 6-year terms.

[Const., Art. 5, §§4(f), 12, 19; Rule 7, Rules of the Supreme Court of Wyoming]

3.5 Administration

a. There are no provisions for a chief judge over all the districts of the District Court. In multiple-judge districts, the coordinator has responsibility for administration in the district.

b. There are no provisions for an administrator over all the districts of the District Court or for administrators for the individual districts. Reference Section 5.2.b (state-level administrator).

c. District Court clerks are elected at general elections by the voters of the counties. The clerks are responsible for receiving and recording all cases filed. They have care and custody of all the records, seal, books, papers, and property pertaining to their office. They are also responsible for receiving, accounting for, and paying over all money that comes into the possession of the court except that received by master commissioners; and they attend all terms of court held in the county.

[W.S.A. §5-3-202; Rule 7, Rules of the Supreme Court of Wyoming]

3.6 Rule-making. The Supreme Court makes rules and regulations for the District Court. The individual districts may promulgate local rules of court, subject to Supreme Court approval.

[Const., Art. 5, §2; W.S.A. §5-3-102; Rule 7, Rules of the Supreme Court of Wyoming]

Courts of Limited or Special Jurisdiction

4.1.1 COUNTY COURT. The County Court sits in continuous session.

[Court Administrator]

4.2.1 Organization. A County Court must be established in any county with a population of more than 30,000, according to the latest official federal census. In counties of less than 30,000, the establishment of a county court is optional for the Board of County Commissioners. It is a court of record. As of 1980, County Courts exist in Laramie and Natrona Counties.

[W.S.A. §§5-5-102, 5-5-103]

4.3.1. Jurisdiction

a. The County Court has jurisdiction over all misdemeanors, over civil actions not exceeding $7,000, and over actions for forcible entry and detainer. The County Court, however, does not have jurisdiction over actions to determine the boundaries or title to real property.

b. The County Court has no appellate jurisdiction.

[W.S.A. §§5-5-131, 5-5-132, 5-5-133; Court Administrator]

4.4.1 Judges (4)

a. The County Court does not have presiding judges.

b. County Court judges must be authorized to practice law in Wyoming and must be electors of their respective counties. The position of County Court judge is a full-time position.

c. County Court judges are appointed by the Governor from a list of nominees submitted by the Judicial Nominating Commission (reference Table 12: Characteristics of judicial nominating commissions). They must stand for retention in office in the same manner as Supreme Court justices. Reference section 1.4.c. They serve 4-year terms.

[W.S.A. §§5-5-110, 5-5-111, 5-5-112; Court Administrator]

4.5.1 Administration

a. There are no provisions for presiding judges for the County Court.

b. There are no provisions for court administrators for the County Court.

c. There are no statutory provisions for clerks, but both County Courts have clerks, appointed by the judges. They have responsibilities as determined by the court.

[Court Administrator]

4.6.1 Rule-making. The Supreme Court promulgates rules for the County Court.

[W.S.A. §5-5-108]

4.1.2 JUSTICE OF THE PEACE COURT. The Justice of the Peace Court sits in continuous session.

[Court Administrator]

4.2.2 Organization. A Justice of the Peace Court is located in each county of the state except where replaced by a County Court. There are no specialized divisions of the court.

[W.S.A. §5-5-105]

4.3.2 Jurisdiction

a. The Justice of the Peace Court has jurisdiction in public offenses below the grade of felony, in which the punishment does not exceed a $750 fine or 6 months of imprisonment. The court also has jurisdiction in all civil actions where the amount in controversy, exclusive of costs, does not exceed $4,000. Jurisdiction is concurrent with the District Court in controversies involving any amount in excess of $500.

b. The Justice of the Peace Court has no appellate jurisdiction.

[W.S.A. §§5-4-106, 7-16-101; Court Administrator]

4.4.2 Judges (43 justices of the peace)

a. The Justice of the Peace Court does not have presiding judges.

b. Justices of the peace must be qualified voters in the counties in which their courts are located.

c. Justices of the peace are elected or, if none are elected, they are appointed by the county boards. They serve 4-year terms.

[W.S.A. §§5-4-101, 5-4-104, 5-4-201(b); Court Administrator]

4.5.2 Administration

a. There are no provisions for presiding judges for the Justice of the Peace Court.

b. There are no provisions for administrators for the Justice of the Peace Court. Reference Section 5.2.b (state-level administrator).

c. Clerks for the Justice of the Peace Court are selected by the county commissioners (county governing board) where they exist, with the advice of the justices of the peace. They have responsibilities as determined by their respective courts.

[Court Administrator]

4.6.2 Rule-making. The Supreme Court may promulgate rules and regulations for the Justice of the Peace Court.

[W.S.A. §5-4-207]

4.1.3 MUNICIPAL COURT. The Municipal Court sits in continuous session.

[Court Administrator]

4.2.3 Organization. There are Municipal Courts in 74 municipalities in the state of Wyoming. There are no specialized divisions of the court.

[Court Administrator]

4.3.3 Jurisdiction

a. The jurisdiction of the Municipal Court, prescribed by municipal charter, is limited to municipal ordinance violations punishable by a maximum fine of $200 or 90 days of imprisonment.

b. The Municipal Court has no appellate jurisdiction.

[W.S.A. §§5-6-102, 5-6-201]

4.4.3 Judges (77 police justices). The statutes provide that the municipality prescribes the number of judges per court. The judges are known as police justices.

a. The Municipal Court does not have presiding judges.

b. Police justices of the Municipal Court must be qualified voters and residents of the counties in which their courts are located. A justice of the peace may be appointed to the office of police justice of a Municipal Court by the local governing board.

c. Municipal Court police justices are appointed by the mayors with the consent of the city councils. Terms are prescribed by local ordinance.

[W.S.A. §§5-4-201, 5-4-204, 5-6-103, 5-6-104; Court Administrator]

4.5.3 Administration

a. There are no provisions for presiding judges for the Municipal Court.

b. There are no provisions for administrators for the Municipal Court. Reference Section 5.2.b (state-level administrator).

c. There are no provisions for clerks for the Municipal Court.

4.6.3 Rule-making. The Supreme Court may promulgate rules and regulations for the Municipal Court. A municipality may provide active rules that do not conflict with the uniform state provisions.

[W.S.A. §5-6-106]

State-Level Administration

5.1 General administrative authority. Administrative authority for the state judicial system is vested in the Supreme Court. The Chief Justice is the chief administrator for the system. Reference Section 1.5.a.

[W.S.A. §5-2-102]

5.2 Office of the Court Administrator

a. The office of the Court Administrator is not authorized by statute or constitution.

b. Court Administrator

(1) The position of Court Administrator was created by Supreme Court order in 1980.

(2) The Court Administrator is appointed by the Supreme Court. The qualifications for this position include a college degree with graduate work in judicial administration, law, public administration, or a related field. He must also have at least 5 years of experience in court administration, the ability to supervise court administrative personnel, and the ability to analyze and formulate solutions to management issues involving court operations.

(3) The duties of the Court Administrator include the following: supervision of the fiscal control office; design and coordination of statistical data collection from all courts; supervision of the law library; review of the administration of the Supreme Court (makes recommendations for improvements in administrative procedures); the handling of personnel matters concerning nonlegal employees of the Supreme Court; day-to-day control over the expenditures of the Supreme Court (subject to the discretion of the Chief Justice); liaison with other state agencies concerning administrative matters; and other work as assigned by the Chief Justice or Supreme Court.

c. Court Coordinator

(1) The position of Court Coordinator was created by Supreme Court order in 1975.

(2) The Court Coordinator is appointed by the Supreme Court. The qualifications include a law degree and at least 5 years of experience as a practicing lawyer, preferably in Wyoming.

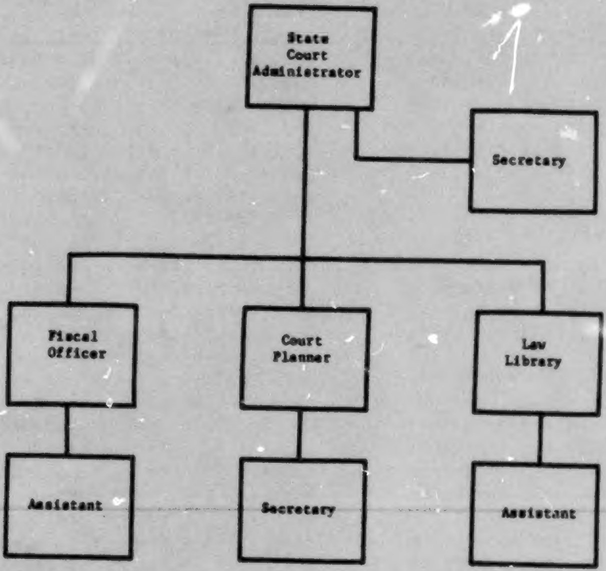
(3) The duties of the Court Coordinator include rule-drafting, overseeing the operation of the limited jurisdiction courts and continuing education of judges of those courts, and other legal staff work as assigned by the Chief Justice.

d. Office organization. The Office of the Court Administrator consists of 4 people: 3 professionals (including the Court Administrator), and 1 secretary. The professional staff provides support services in the following areas: facilities management; accounting and budgeting; training and publications; legislative, executive, public, and media information; and planning and research activities, which include judicial planning, statistical analysis, and legal services.

[Supreme Court Order, State of Wyoming 1980; Personnel Manual, Supreme Court of Wyoming; Court Administrator]

Quasi-Judicial Officers

Figure 2: Wyoming state-level administrative office of the courts, 1980


State Court Administrator
Secretary
Fiscal Officer
Court Planner
Law Library
Assistant
Secretary
Assistant

6.1.1 DISTRICT COURT
6.2.1 Commissioner

a. Commissioners must be learned in the law, must be residents of the counties for which they are appointed, and must be citizens of the state. Commissioners are appointed by the District Court, as necessary, to serve at the court's pleasure.

b. Commissioners have the authority of a district judge "at chambers," in the absence or disability of the judge. They may determine cases of insanity or mental incompetence. In juvenile matters, the commissioner may conduct detention hearings in the absence of a judge, but may not make a final order of adjudication or disposition.

[W.S.A. §§5-3-302, 5-3-303, 5-3-307]

6.1.2 COUNTY COURT
6.2.2. Commissioner

a. The District Court may appoint commissioners of the County Court, to serve at the pleasure of the District Court. Commissioners must be voters of the county in which they are appointed and must be learned in the law.

b. A commissioner of the County Court may conduct arraignments in misdemeanor cases, conduct initial appearance proceedings in felony cases, issues warrants, and fix and accept bail. At the direction of the County Court judge, a commissioner has all the powers and duties of a County Court judge in the event of the absence, disability, or disqualification of the county judge and at the direction of the county judge or the Supreme Court.

[W.S.A. §§5-5-162, 5-5-163, 5-5-164, 5-5-167]

Judicial Discipline

7.1 Judicial Supervisory Commission. The commission consists of 7 members: 2 judges of the District Court, elected by the district judges; 2 members of the Wyoming State Bar who have practiced law in the state for 10 years, appointed by the governing body of the Wyoming State Bar; and 3 voters of the state who are not judges, retired judges, or members of the Wyoming State Bar, appointed by the Governor and approved by the Senate with a majority of the membership concurring.

[Const., Art. 5, §6(a)]

7.2 Authority and procedure for sanction. The commission holds a preliminary investigation to determine whether formal proceedings should be instituted and a hearing held. If the commission decides that formal proceedings should be instituted, the commission issues a written notice to the judge. He may file a written answer to the charges against him within 15 days after service of the notice. A subpoena is issued for any witness or witnesses. The judge has the right and opportunity to defend against the charges by the introduction of evidence, to be represented by counsel, and to examine and cross-examine witnesses. If the commission finds good cause, upon a vote of five of the members, it recommends to the Supreme Court the censure, retirement, or removal of the judge. On recommendation of the Judicial Supervisory Commission, or on its own motion, the Supreme Court may suspend a justice or judge from office without salary when he pleads guilty or no contest or is found guilty of a felony or offense involving moral turpitude under Wyoming or federal law. If his conviction is reversed, suspension terminates, and he will be paid his salary for the period of suspension. If he is suspended and his conviction becomes final, the Supreme Court removes him from office. On recommendation of the Judicial Supervisory Commission, the Supreme Court may retire a justice or judge for disability that seriously interferes with the performance of his duties and is, or is likely to become, permanent. The Supreme Court can censure or remove a judge for actions occurring during, or not more than 6 years prior to the commencement of his current term, that constitute willful misconduct in office, failure to perform his duties, habitual intemperance, or conduct that brings the judiciary into disrepute.

[Const., Art. 5, §6(d)(e); Judicial Supervisory Commission Rules, State of Wyoming, Rules 9, 12, 13, 16]

AMERICAN SAMOA

Court of Last Resort

1.1 APPELLATE DIVISION OF THE HIGH COURT. Sessions of the Appellate Division are held in the village of Fagatogo, Tutuila, or in other villages as may be designated by the Chief Justice. By statute the court must hold regular sessions. In practice, the Appellate Division convenes twice a year (usually Spring and Fall) for one to two weeks, depending on the caseload.

[5 American Samoa Code (hereinafter A.S.C.) 402(c), 408(b) and (e)]

1.2 Organization. The Appellate Division consists of the Chief Justice, associate justice and acting associate justices appointed by the U.S. Secretary of Interior (in practice these acting associate justices are Federal judges, usually from the 9th Circuit Court of Appeals, and District Court judges from the southern district of California), and all associate judges. Sessions of the Appellate Division are held before three justices and two associate judges. The presence of two justices and one associate judge is necessary to constitute a quorum for the trial and determination of a case or controversy.

[5 A.S.C. 408(b)]

1.3 Jurisdiction

a. The Appellate Division has no original jurisdiction.

b. The Appellate Division has jurisdiction to review, on appeal, final decisions of the Trial Division and the Land and Titles Division of the High Court, matters on appeal from the District Court as provided by law, appeals of decisions of administrative agencies as provided by law, and appeals of other matters as provided by statute.

[5 A.S.C. 402(c)]

1.4 Justices (4; and not less than 5 associate judges)

a. The Chief Justice and associate justices are appointed by the U.S. Secretary of Interior and serve until removed for cause.

b. By statute, the justices (excluding acting associate justices who are federal judges) must be learned in the law. Although the Secretary of Interior is not bound by the rules of the Federal judiciary, it appears he has followed them in the past when selecting justices. There are no statutory qualifications for associate judges, however, factors considered in making the selection are: the title held, the geographical location within the Territory from which they come, previous governmental or legal background, and past service rendered to the community.

c. Associate judges are appointed by the Governor of American Samoa upon recommendation of the Chief Justice, and are confirmed by the American Samoan Senate. Associate judges hold office for a term of 4 years which may be renewed. They may be removed by the Chief Justice for cause. Upon attaining the mandatory retirement age of 65, they must be separated from government employment unless the separation requirement is waived by the Governor. Immediately after retirement, they are added to the panel of temporary associate judges and are not subject to the confirmation provisions described above. Acting associate justices are appointed by the U.S. Secretary of Interior, but serve one term only, which usually lasts one to two weeks.

[5 A.S.C. §§201(a), 201(b), 204(d), 408(b)]

1.5 Administration

a. The Chief Justice has general supervisory authority over all courts in the Territory and designates the panels for the Appellate Division.

b. There is no administrator for the Appellate Division of the High Court. Reference Section 5.1 (State-Level Administration).

c. The clerk of the High Court serves as clerk of the Appellate Division. Reference Section 3.5.c.

1.6 Rule-making. The Chief Justice is authorized to make rules regulating the pleading, practice, administration, and procedure and conduct of business for all courts in American Samoa.

[5 A.S.C. 202(c)]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in American Samoa.

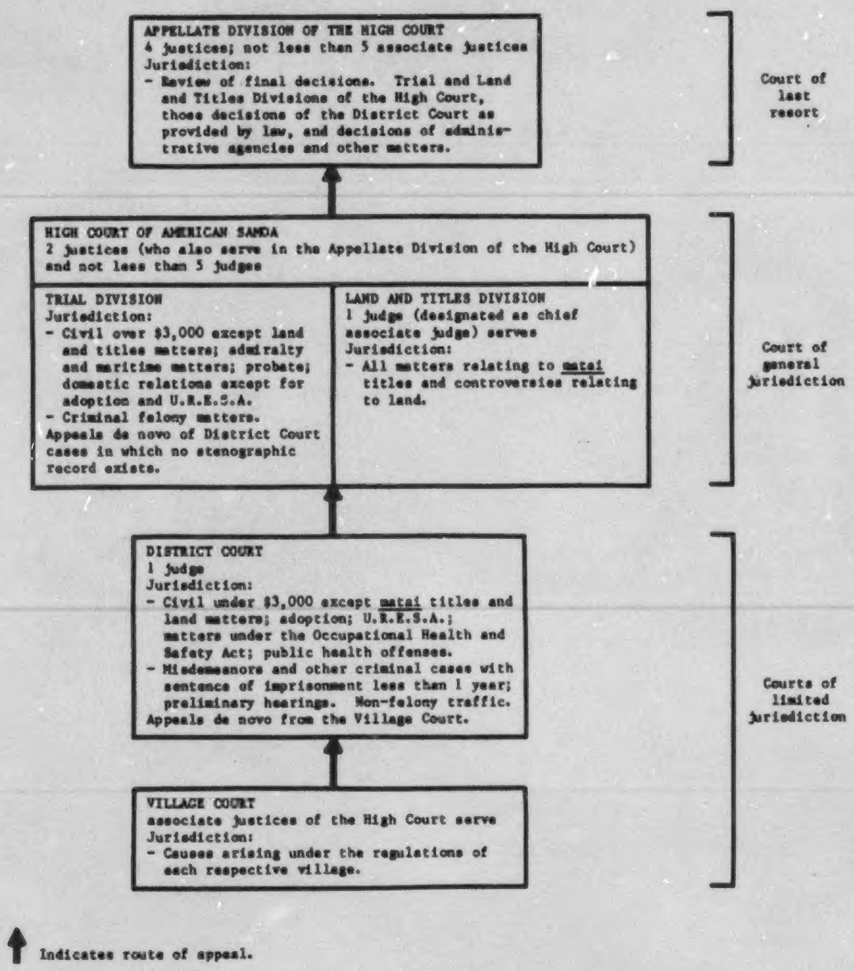
Court of General Jurisdiction

3.1 HIGH COURT OF AMERICAN SAMOA. Although by statute the High Court must hold only regular sessions of all divisions, in practice it meets throughout the year.

[5 A.S.C. 408(e)]

3.2 Organization. The High Court consists of the Appellate Division (discussed above), the Trial Division, and the Land and Titles Division. The Trial Division consists of the Chief Justice, one associate justice, and all the associate judges. Sessions of the Trial Division are ordinarily held before a justice and two associate judges. The presence of a justice and one associate judge is necessary to constitute a quorum for the trial and determination of a case or controversy. The Land and Titles Division consists of the Chief Justice, one associate justice, and all the associate judges. In the Land and Titles Division, all controversies relating to land must be heard and decided by a justice and two associate judges. The presence of a justice and one associate judge is necessary to constitute a quorum for the trial and determination of a case or controversy. In the Land and Titles Division all controversies relating

Figure 1: American Samoa court system, 1980



APPELLATE DIVISION OF THE HIGH COURT
4 justices; not less than 5 associate justices
Jurisdiction:
- Review of final decisions. Trial and Land and Titles Divisions of the High Court, those decisions of the District Court as provided by law, and decisions of administrative agencies and other matters.

HIGH COURT OF AMERICAN SAMOA
2 justices (who also serve in the Appellate Division of the High Court) and not less than 5 judges

TRIAL DIVISION
Jurisdiction:
- Civil over $3,000 except land and titles matters; admiralty and maritime matters; probate; domestic relations except for adoption and U.R.E.S.A.
- Criminal felony matters.

Appeals de novo of District Court cases in which no stenographic record exists.

LAND AND TITLES DIVISION
1 judge (designated as chief associate judge) serves
Jurisdiction:
- All matters relating to *matai* titles and controversies relating to land.

DISTRICT COURT
1 judge
Jurisdiction:
- Civil under $3,000 except *matai* titles and land matters; adoption; U.R.E.S.A.; matters under the Occupational Health and Safety Act; public health offenses.
- Misdemeanors and other criminal cases with sentence of imprisonment less than 1 year; preliminary hearings. Non-felony traffic.

Appeals de novo from the Village Court.

VILLAGE COURT
associate justices of the High Court serve
Jurisdiction:
- Causes arising under the regulations of each respective village.

Court of last resort
Court of general jurisdiction
Courts of limited jurisdiction
Indicates route of appeal.

to matai titles must be heard by a justice and four associate judges. The presence of a justice and three associate judges is necessary to constitute a quorum for the trial and determination of a case or controversy.

[5 A.S.C. 408(c) and (d)]

3.3 Jurisdiction

a. The Trial Division of the High Court is a court of general jurisdiction with the power to hear any matter not otherwise provided for by statute. Notwithstanding the foregoing, the Trial Division of the High Court has original jurisdiction over the following classes and controversies: civil cases in which the amount in controversy exceeds $3,000, except land and titles matters; criminal cases in which a felony is charged; admiralty and maritime matters over which the trial division has both in rem and in personam jurisdiction; juvenile cases; probate of wills and administration of estates; domestic relations, except adoptions and actions arising under the Uniform Reciprocal Enforcement of Support Act; all writs; and all other matters over which the Trial Division is given jurisdiction by statute.

The Land and Titles Division has exclusive jurisdiction in all matters relating to matai titles and in all controversies relating to land.

b. Final decisions of the District Court may be appealed to the High Court. Upon appeal, cases or controversies in which there is no stenographic record are tried de novo by the Trial Division of the High Court.

[5 A.S.C. §§402(b) and (c), 507]

3.4 Justices (2 justices that also serve in the Appellate Division of the High Court and not less than 5 judges)

a. The Chief Justice sits as presiding judge of the High Court.

b. Reference Section 1.4.b (Justices).

c. Reference Section 1.4.c (Justices).

3.5 Administration

a. The Chief Justice or his designee designates which judges sit on any given panel. The Chief Justice and associate justice are not permitted to sit on the same panel, and the one who is sitting is the presiding justice for that panel. The Chief Justice designates one judge as chief associate judge to preside over the Land and Titles Division and to be responsible for the general administration of that division. In the past, the chief associate judge chosen has been the senior associate judge as measured by time in service.

b. There is no provision for an administrator in the High Court. Reference Section 5.1 (State-Level Administration).

c. The clerk and his deputies are appointed by the Chief Justice and are subject to removal by him. The clerk of the High Court records its proceedings and is the custodian of the records, papers, and seal of the Court.

[5 A.S.C. 204(b) and (c), 406, 407, 408 (f)]

3.6 Rule-Making. Reference Section 1.6.

Courts of Limited or Special Jurisdiction

4.1.1 DISTRICT COURT. By statute, sessions of the District Court are held as the business of the court requires and as the Chief Justice may designate from time to time. In practice, the court is in session throughout the year.

[5 A.S.C. 501(d)]

4.2.1 Organization. There is one District Court consisting of one or more district court judges. All sessions of the District Court are conducted by one district court judge sitting alone.

[5 A.S.C. 501(a) and (c)]

4.3.1 Jurisdiction

a. The District Court has original jurisdiction over the following matters: civil cases or controversies, other than actions involving land or matai titles, in which the amount in controversy does not exceed $3,000; criminal cases in which the offense charged is a misdemeanor or any offense punishable by not more than one year of imprisonment; traffic cases except those involving a felony; initial appearances and preliminary examinations in all criminal cases; adoptions; actions arising under the Uniform Reciprocal Enforcement of Support Act; actions arising under the Occupational Health and Safety Act; and certain public health offenses as provided by statute. The District Court is a court of limited jurisdiction and does not have jurisdiction over those matters over which the High Court has original jurisdiction.

b. The District Court hears appeals from the Village Court as trials de novo.

[5 A.S.C. §§501(b), 601(b)]

4.4.1 Judges (1 or more)

a. Since there is presently only one District Court judge, he is the presiding judge. The method of selection and term are the same for all District Court judges. District Court judges are appointed by the Governor of American Samoa upon the recommendation of the Chief Justice and are confirmed by the Senate. District Court judges hold office for a term of 4 years which may be renewed, and can be removed for cause by the Chief Justice.

b. District Court judges must be learned in the law.

c. Reference 4.4.1.a above.

[5 A.S.C. 210(a) and (c)]

4.5.1 Administration

a. The District Court has a presiding judge.

b. There is no provision for an administrator in the District Court. Reference Section 5.1 (State-Level Administration).

c. The clerk of the High Court serves also as the clerk of the District Court. Other High Court officers and employees may be assigned to work part-time or full-time for the District Court by the Chief Justice of the High Court.

[5 A.S.C. 505]

4.6.1 Rule-Making. Reference Section 1.6.

4.1.2 VILLAGE COURT. The statutorily prescribed term of the Village Court is that it shall meet from time to time, as the number of cases awaiting trial requires. In practice, the frequency that the court of any given village convenes varies with the size of the village (larger villages convening their courts more frequently).

[5 A.S.C. 601(a)]

4.2.2 Organization. Each village has a Village Court consisting of an associate judge of the High Court. The Chief Justice of the High Court assigns associate judges to be responsible for conducting sessions in one or more villages.

[5 A.S.C. 601(a)]

4.3.2 Jurisdiction

a. The Village Court has jurisdiction only over matters arising under the regulations of its respective village. Except for retrials before the District Court, the Village Court has exclusive jurisdiction to impose penalties for the violation of village regulations.

b. The Village Court has no appellate jurisdiction.

[5 A.S.C. 601(b)]

4.4.2 Judges (1 or more associate justices of the High Court of American Samoa serve)

a. There is no presiding judge as such of the Village Court.

b. Reference Section 1.4.b (Justices).

c. Reference Section 1.4.c (Justices).

4.5.2 Administration

a. There is no presiding judge in the Village Court.

b. The Chief Justice of the High Court designates an associate judge or other person as administrator of the Village Court. The administrator supervises the operation of the Village Court.

c. The clerk of the High Court also serves as the clerk of the Village Court, and he or his designee attends all sessions of the Village Court and prepares a written record of the proceedings.

[5 A.S.C. 602.1(a) and (b)]

4.6.2 Rule-making. Reference Section 1.6.

State-Level Administration

5.1 General Administrative Authority. The Chief Justice has administrative supervision over the High Court of American Samoa, the District Court and the Village Court, and their judges, magistrates, clerks and other officers.

[5 A.S.C. 202(c)]

5.2 There is no provision for, and there is in fact no administrative office of the courts.

Quasi-Judicial Officers

6.0 There are no provisions for quasi-judicial officers in the court system of American Samoa.

Judicial Discipline

7.1 Trial Commission. The Trial Commission consists of the associate justice and two associate judges appointed by the Chief Justice.

[Disciplinary Rules and Procedures of the High Court, Rule 4]

7.2 Authority and Procedure for Sanction. The Chief Justice of the High Court has been given the authority by statute to discipline and disbar attorneys practicing before the courts of American Samoa and he has delegated by rule, this authority to the Trial Commission. The procedures are set forth in the Disciplinary Rules and Procedures of the High Court of American Samoa. The procedure may begin with a formal or informal complaint, and will include a hearing at which the respondent will be given an opportunity to be heard and be represented by counsel. Appeals from the Trial Commission are heard by the Chief Justice of the High Court.

[5 A.S.C. 202(d), Disciplinary Rules and Procedures of the High Court of American Samoa]

507

DISTRICT OF COLUMBIA

Court of Last Resort

1.1 COURT OF APPEALS. The Court of Appeals sits in the District of Columbia for one term of court coincident with the calendar year.

[District of Columbia Court of Appeals, Rule 2]

1.2 Organization. Cases are heard and determined by 3-judge divisions of the court unless a hearing or rehearing before the court en banc is ordered. A hearing or rehearing before the court en banc may be ordered by a majority of the judges of the court in regular active service.

[District of Columbia Code (hereinafter D.C.C.) Sections 11-705(b), (c), (d)]

1.3 Jurisdiction

a. The Court of Appeals has implied power to issue extraordinary writs in aid of its appellate jurisdiction.

b. The Court of Appeals has jurisdiction over appeals from:

(1) All final orders and judgments of the Superior Court and interlocutory orders of the Superior Court concerning injunctions, appointment of receivers, guardians, or conservators, or those changing or affecting the possession of property. A party aggrieved may appeal as of right, except for review of Small Claims Branch decisions, criminal judgments where the penalty imposed is a fine of less than $50 for an offense punishable by imprisonment of 1 year or less, or by fine of not more than $1,000. Review of such judgment is by application for the allowance of an appeal, filed in the District of Columbia Court of Appeals.

(2) All orders and decisions of the mayor, council, or any agency of the District of Columbia to the extent provided by the law.

(3) Review of orders and decisions from certain District of Columbia administrative agencies.

[D.C.C. §§11-721, 11-722; *Mike's Manufacturing Company v. Zimzoris* (Municipal Court of Appeals for the District of Columbia, 1949, Vol. 66, Atlantic 2nd Reporters, p. 414)]

1.4 Justices (9)

a. The Chief Judge is designated by the District of Columbia Judicial Nomination Commission (reference Table 12: Characteristics of judicial nominating commissions). A Chief Judge serves a 4-year term or until his successor is designated. He is eligible for redesignation. If a Chief Judge is not redesignated or relinquishes the office of Chief Judge, he continues to be an associate judge.

b. A person may not be appointed a judge of a District of Columbia court unless that individual:

(1) Is a United States citizen.

(2) Is an active member of the District of Columbia Bar.

(3) Has been engaged in the active practice of law in the District or has been a professor in a District of Columbia law school, or has been a District or federal government attorney in the District of Columbia for 5 years immediately preceding his nomination.

(4) Has been a resident of the District for at least 90 days prior to nomination, and will retain such residency as long as he serves as a judge.

(5) Has not served as a member of the Tenure Commission (reference Section 7.1 Judicial Discipline) or the District of Columbia Judicial Nomination Commission (reference Table 12: Characteristics of judicial nominating commissions) for a period of 2 years prior to his nomination.

(6) Is recommended to the President by the District of Columbia Judicial Nomination Commission.

c. Thirty days before the expiration of a judge's term, or within 30 days after a vacancy occurs for some other reason, the District of Columbia Judicial Nomination Commission (reference Table 12: Characteristics of judicial nominating commissions) submits a list of three nominees to the President, who makes the selection. If more than one vacancy occurs at one time, separate lists must be submitted with no person named more than once. Presidential nominees are forwarded to the Senate for confirmation. If the President fails to nominate a person from the list within 60 days after receiving such a list, the commission appoints one person from the list with the advice and consent of the Senate. A judge serves a 15-year term, and upon completion of such term, he continues to serve until his successor is appointed and qualifies.

[D.C.C. §§11-1502, 11-1503; Home Rule Bill, Sections 431(b), 433(b)(2), (3), (4), (5), 434(d)(1)]

1.5 Administration

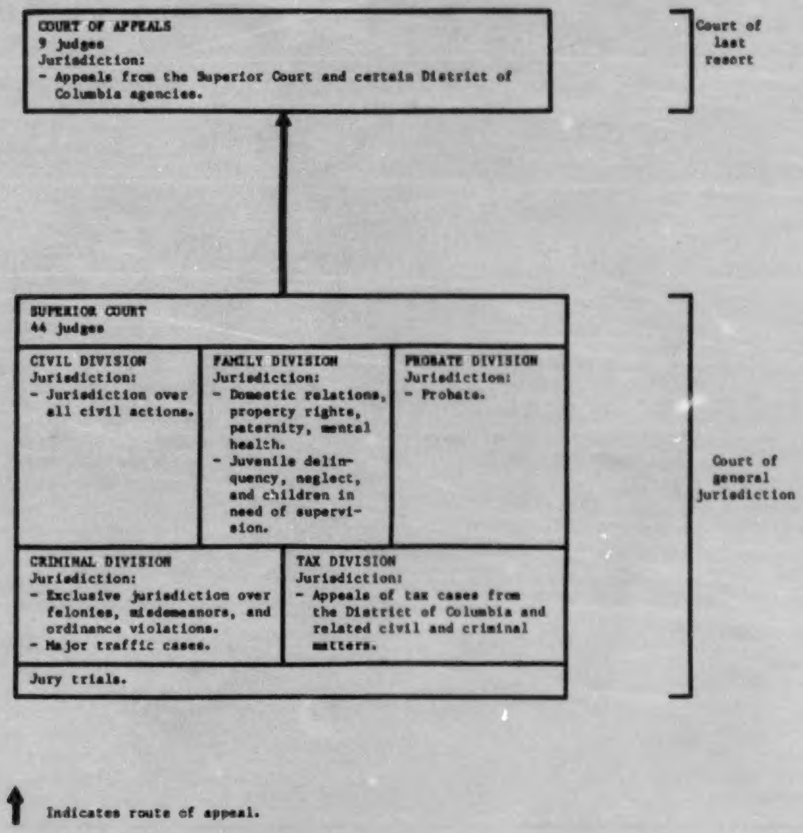
a. The Joint Committee on Judicial Administration is responsible for setting policy for the administration of the courts. Reference Section 5.1 (General administrative authority). The Executive Officer is responsible for the administration of the court system, subject to the supervision of the Joint Committee and the chief judges of the respective courts. The Chief Judge of the Court of Appeals supervises the internal administration of all affairs of the court. He may also temporarily assign Court of Appeals judges to the Superior Court and Superior Court judges to the Court of Appeals.

b. Reference Section 5.2.b (state-level administrator).

c. The clerk occupies a statutorily authorized position. The Executive Officer has designated the clerks to be the administrators of their respective courts. They have responsibility for direct supervision of all nonjudicial employees of their respective courts as well as other duties as may be assigned.

[D.C.C. §§11-707, 11-1702, 11-1703(a), 11-1721; Executive Officer]

Figure 1: District of Columbia court system, 1980



COURT OF APPEALS
9 judges
Jurisdiction:
- Appeals from the Superior Court and certain District of Columbia agencies.

Court of last resort

SUPERIOR COURT
44 judges

CIVIL DIVISION
Jurisdiction:
- Jurisdiction over all civil actions.

FAMILY DIVISION
Jurisdiction:
- Domestic relations, property rights, paternity, mental health.
- Juvenile delinquency, neglect, and children in need of supervision.

PROBATE DIVISION
Jurisdiction:
- Probate.

CRIMINAL DIVISION
Jurisdiction:
- Exclusive jurisdiction over felonies, misdemeanors, and ordinance violations.
- Major traffic cases.

TAX DIVISION
Jurisdiction:
- Appeals of tax cases from the District of Columbia and related civil and criminal matters.

Jury trials.

Court of general jurisdiction

Indicates route of appeal.

1.6 Rule-making. The Court of Appeals conducts its business according to the Federal Rules of Appellate Procedure (F.R.A.P.) unless the court prescribes or adopts modifications of those rules. The F.R.A.P. allows a majority of the judges of the court in regular active service to make and amend rules governing its practice not inconsistent with the F.R.A.P.

[D.C.C. §11-743; F.R.A.P., Rule 47]

Intermediate Appellate Court

2.0 There is no intermediate appellate court in the District of Columbia.

Court of General Jurisdiction

3.1 SUPERIOR COURT. The chief judge may fix the time of sessions of the various divisions and branches of the court.

[D.C.C. §11-906]

3.2 Organization. One Superior Court serves the District. It consists of the following divisions: Criminal Division, Civil Division, Family Division, Probate Division, and Tax Division. The divisions may be divided into such branches as the Superior Court may by rule prescribe.

[D.C.C. §11-902]

3.3 Jurisdiction

a. The Superior Court has exclusive jurisdiction over any civil action or other matter in the District of Columbia, unless jurisdiction is vested in a Federal Court in the District of Columbia. Civil cases are heard in the Civil Division.

The Family Division of the Superior Court has jurisdiction over actions of divorce, support, custody, adoption, determination and adjudication of property rights, paternity of any child born out of wedlock, delinquent or neglected children, children in need of supervision, and commitment of the mentally ill.

The Tax Division of the Superior Court has exclusive jurisdiction of all appeals from and petitions for review of assessments of tax (and civil penalties thereon) made by the District of Columbia. It also has jurisdiction of all proceedings brought by the District of Columbia for the imposition of criminal penalties pursuant to the provisions of the statutes relating to taxes levied by or in behalf of the District of Columbia.

Probate cases are heard in the Probate Division.

The Superior Court has exclusive jurisdiction over any criminal (including traffic) case under any law applicable to the District of Columbia in the Criminal Division. It does not have jurisdiction over criminal cases brought in the U.S. District Court.

[D.C.C. §§11-921, 11-923, 11-1101, 11-1201; Home Rule Bill, Sec. 431(b)]

b. The Superior Court has no appellate jurisdiction over cases from other courts. It hears appeals of administrative agency cases.

[D.C.C. §§11-921, 11-923; Home Rule Bill, Sec. 431(b)]

3.4 Judges (44)

a. The chief judge is selected in the same manner and for the same term as the Chief Judge of the Court of Appeals. Reference Section 1.4.a.

b. Superior Court judges must meet the same qualifications as Court of Appeals judges. Reference Section 1.4.b.

c. Superior Court judges are selected in the same manner and for the same term as Court of Appeals judges. Reference Section 1.4.c.

3.5 Administration

a. The chief judge supervises internal administration of all affairs of the court. He arranges and divides the business of the court and fixes the time of sessions of the various divisions and branches of the court. He designates the number of judges and assigns them to the various divisions. The chief judge may also certify to the Court of Appeals the need for temporary assignment of additional judges.

b. There is no provision for an administrator for the Superior Court. Reference Section 5.2.b (state-level administrator).

c. The Executive Officer has designated the clerks to be the administrators of their respective courts. They have responsibility for direct supervision of all nonjudicial employees of their respective courts as well as for other duties as may be assigned.

[D.C.C. §§11-906(a), (b), 11-908(a), (b), 11-1702, 11-1721; Executive Officer]

3.6 Rule-making. The Superior Court conducts its business according to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, unless it prescribes or adopts rules that modify these rules. Rules that modify the Federal Rules must be approved by the Court of Appeals. . The Superior Court may adopt and enforce other rules as it deems necessary without the approval of the Court of Appeals if such rules do not modify the Federal Rules. The Superior Court may appoint a committee of lawyers to advise it.

[D.C.C. §11-946]

Court of Limited or Special Jurisdiction

4.0 There are no courts of special or limited jurisdiction in the District of Columbia.

State-Level Administration

5.1 General administrative authority. The Joint Committee on Judicial Administration, made up of the Chief Judge and an associate judge of the Court of Appeals and the chief judge and two associate judges of the Superior Court, is responsible for setting policy for the administration of the courts. The committee has statutory authority to issue all orders and directives necessary to implement its responsibilities and duties. Reference Section 1.5.a (Administration).

[D.C.C. §§11-1701(a), (d)]

5.2 Executive Office of the District of Columbia Courts

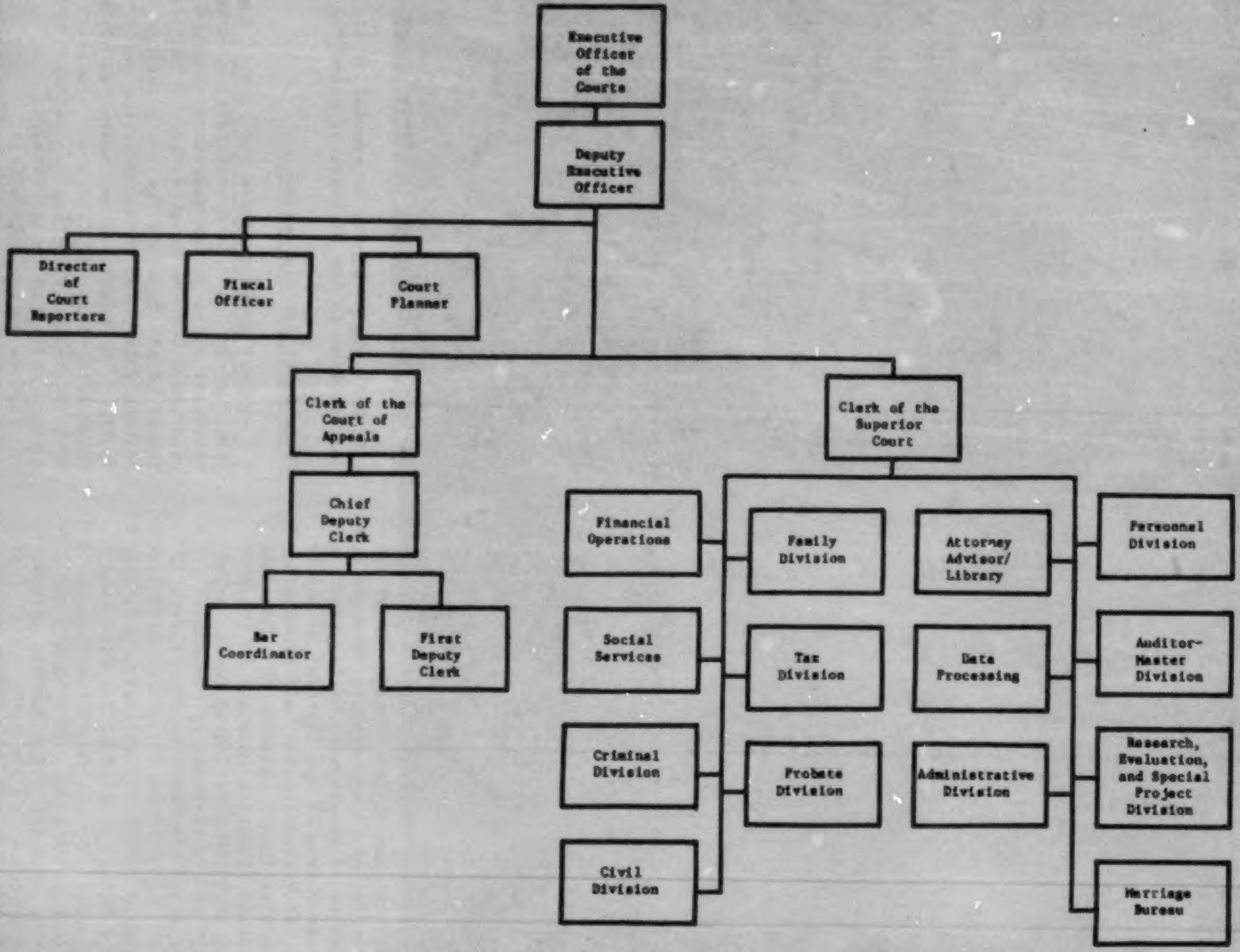
a. The office was created by D.C.C. §11-1701 to §11-1747.

b. Executive Officer

(1) The position of Executive Officer was created by D.C.C. §11-1703(a).

(2) The Executive Officer must be certified by the Director of the Administrative Office of the United States Courts. The Executive Officer is selected by the Joint Committee on Judicial Administration with the concurrence of the respective chief judges. The Executive Officer is selected

Figure 2: District of Columbia state-level administrative office of the courts, 1980



Executive Officer of the Courts
Deputy Executive Officer
Director of Court Reporters
Fiscal Officer
Court Planner
Clerk of the Court of Appeals
Chief Deputy Clerk
Bar Coordinator
First Deputy Clerk
Clerk of the Superior Court
Financial Operations
Family Division
Attorney Advisor/ Library
Personnel Division
Social Services
Tax Division
Data Processing
Auditor-Master Division
Criminal Division
Probate Division
Administrative Division
Research, Evaluation, and Special Project Division
Civil Division
Marriage Bureau

from a list of not less than three qualified persons submitted by the Director of the Administrative Office of the United States Courts.

(3) The Executive Officer is responsible for the administration of the District of Columbia court system, subject to the supervision of the Joint Committee and the chief judges of the respective courts.

c. Office organization. The Executive Office of the District of Columbia Courts consists of 159 people: 104 professionals (including the Executive Officer) and 55 clerical personnel. The professional staff provides support services in the following areas: systems analysis, programming, and computer operations; probation coordination, court reporting, trial court administration, court coordination, and facilities management; payroll, accounting, auditing, budgeting, and purchasing; library services; personnel systems; executive liaison; and planning and research activities, which include statistical compilation, judicial planning, research, statistical analysis, and legal services.

[D.C.C. §§11-1703(a), (b); Executive Officer]

Quasi-Judicial Officers

6.1 SUPERIOR COURT

6.2 Hearing commissioner

a. Hearing commissioners are selected by the chief judge. They must be members of the bar and must possess a broad knowledge of the legal principles relative to family law.

b. Hearing commissioners are responsible for conducting hearings primarily in mental retardation proceedings but not necessarily limited to this area. After each hearing they recommend in writing an appropriate course of action or court order to the chief judge or his designate.

[Position Description, Executive Officer]

Judicial Discipline

7.1 District of Columbia Commission on Judicial Disabilities and Tenure. The commission consists of seven members appointed as follows: one member appointed by the President; two members appointed by the Board of Governors of the unified District of Columbia Bar, both of whom must have practiced law in the District for at least 5 successive years preceding their appointment; two members appointed by the mayor, one of whom is not a lawyer; one nonlawyer appointed by the City Council; and an active or retired federal judge serving in the District, appointed by the chief judge of the United States District Court for the District of Columbia.

[Home Rule Bill, Sec. 431]

7.2 Authority and procedure for sanction. The commission may undertake an investigation on its own initiative or upon a formal or informal report of misconduct or ill health. Hearings must be held prior to filing of orders for removal (except for those based on final judgment of conviction of a felony), involuntary retirement, or suspension without salary. Such hearings are confidential unless the privilege is waived by the judge under investigation. The judge is entitled to 30 days notice of charges. He may be represented by counsel at the hearings, offer evidence in his own behalf, and confront and cross-examine witnesses. The commission has subpoena powers and may order a judge to undergo medical examination. The commission must report within 90 days findings of fact and a determination as to the judge's conduct or health. Four members must concur in a removal order. A judge aggrieved by a commission order filed with the Court of Appeals may file notice of appeal within 30 days with the Chief Justice of the United States, who appoints a special 3-member court from among active judges of the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. The decision of this special court is final and conclusive.

[D.C.C. §§11-1527, 11-1528, 11-1529]

Figure 1: Guam court system, 1980

SUPERIOR COURT
5 judges
Jurisdiction:
- Original jurisdiction in all civil cases in law or equity except for causes arising under the Constitution, treaties, laws of the United States, and any matter involving the Guam Territorial income tax.
- Original jurisdiction in all criminal cases, felony and misdemeanors, except for causes arising under the Constitution, treaties, and laws of the United States.
- Traffic cases.
- Juvenile matters.

Appellate jurisdiction in all cases tried and determined in the Traffic Court in which punishment is a fine of more than $25 or imprisonment or both.
Jury trials.

Court of general jurisdiction

GUAM

Court of Last Resort

1.0 There are no provisions for a court of last resort in Guam.
[The Administrative Director of the Court]

Intermediate Appellate Court

2.0 There are no provisions for an intermediate appellate court in Guam.
[The Administrative Director of the Court]

General Jurisdiction Court

3.1 SUPERIOR COURT. The Superior Court sits in continuous session.
[The Administrative Director of the Court]

3.2 Organization. The Judicial Council (reference Table 29: Judicial councils and conferences) has authority by rules of the court to create divisions of the Superior Court and may designate which divisions are to be courts of record and which courts are to be not of record. Two of the divisions must consist of a Juvenile Court Division (a court of record), and a Traffic Court Division (court not of record). Other divisions include: Criminal (comprising felony and misdemeanor), Civil, Probate, Domestic, Small Claims, and Special Proceedings Divisions.
[Public Law (hereinafter P.L.) 12-85 §2]

3.3 Jurisdiction

a. The Superior Court has original jurisdiction in all cases arising under the laws of Guam, civil or criminal, in law or equity, regardless of the amount in controversy, except for causes arising under the Constitution, treaties, laws of the United States, and any matter involving the Guam Territorial income tax.

b. The Superior Court has appellate jurisdiction in all cases tried and determined in the Traffic Court in which the punishment imposed is a fine of more than $25 or imprisonment or both.
[Code of Civil Procedure, Chapter III, Title I, Part I §§82, 83; P.L. 12-85]

3.4 Judges (5)

a. The term of the presiding judge is identical to all other Superior Court judges.

b. Judges of the Superior Court must have practiced law in Guam for at least 6 months.

c. Judges of the Superior Court are appointed by the legislature for a term of 8 years. The appointment is drawn from among three candidates nominated by the Judicial Council (reference Table 29: Judicial councils and conferences). Following the 8th year, a judge may file a declaration to succeed himself in the Office of the Election Commission. The elections are nonpartisan and are conducted during the general election immediately following the expiration of his term of office. The Governor fills vacancies by appointing [illegible] person with the consent of the legislature. In making such appointments, the Governor gives consideration to names which have been timely submitted to him by the Judicial Council.
[Code of Civil Procedure, Chapter III-A, Title I, Part I, §81; P.L. 12-85, 189, §§1, 4]

3.5 Administration

a. The presiding judge prescribes and distributes the order of business in the Superior Court and assigns cases to the judges of the court. He is vested with final authority in overseeing the operations of the Judicial Branch of the Territory, except in matters which require the approval of the Judicial Council (reference Table 29: Judicial councils and conferences).

b. There are no provisions for an administrator in the Superior Court. Reference Section 5.2.b (state-level administrator).

c. The clerk serves at the pleasure of the presiding judge. He performs the following duties:

(1) Takes charge of and safely keeps or disposes of, according to law, all books, papers, and records which may be filed and deposited in his office.

(2) Supervises and directs the work of his deputies and assistants.

(3) Attends in person or by deputy each session of the Island Court and the Police (Traffic) Court.

(4) Issues all process and notices as required.

(5) Enters a synopsis of all orders, judgments, and decrees proper to be entered at length; keeps in the Island Court a docket listing the title of each cause with the date of its commencement; enters a memorandum of every subsequent proceeding with date and record of all fees charged.

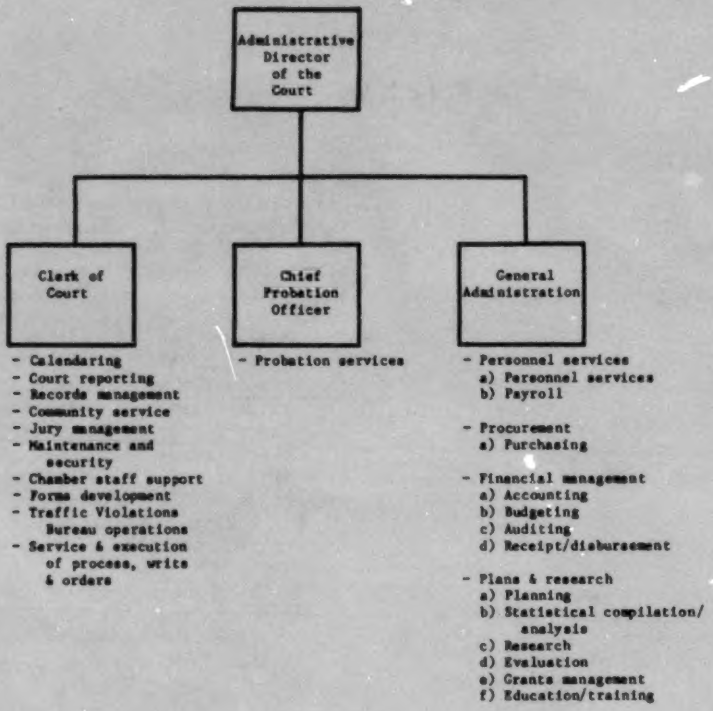
(6) Keeps other indices and records and makes reports necessary in the performance of the duties of his office or as required by the Judicial Council.
[Code of Civil Procedure, Chapter I, Title IV; P.L. 12-85, §8]

3.6 Rule-making The Judicial Council (reference Table 29: Judicial councils and conferences) has the power to prescribe, by general rules, the forms of process, writs, pleadings and motions, and practice and procedure of the courts in Guam in both civil and criminal actions.
[P.L. 12-85, §66]

Court of Limited or Special Jurisdiction

4.0 There are no provisions for courts of limited or special jurisdiction in Guam.
[The Administrative Director of the Court]

Figure 2: Guam state-level administrative office of the courts, 1980


Administrative Director of the Court
Clerk of Court
Chief Probation Officer
General Administration
- Calendaring
- Court reporting
- Records management
- Community service
- Jury management
- Maintenance and security
- Chamber staff support
- Forms development
- Traffic Violations Bureau operations
- Service & execution of process, writs & orders
- Probation services
- Personnel services
a) Personnel services
b) Payroll
- Procurement
a) Purchasing
- Financial management
a) Accounting
b) Budgeting
c) Auditing
d) Receipt/disbursement
- Plans & research
a) Planning
b) Statistical compilation/analysis
c) Research
d) Evaluation
e) Grants management
f) Education/training

State-Level Administration

5.1 General administrative authority. There are no formal provisions for general administrative authority, however, the Presiding Judge of the Superior Court, being the chief judicial officer of the judicial branch, has the inherent discretion to prescribe the parameters of authority extended to the administrative officer.

[Code of Civil Procedure, Chapter III, Title I, Part I, §85]

5.2 The Office of the Administrative Director of the Court

a. Authorization for the Office of the Administrative Director is accomplished through adoption by the Judicial Council (reference Table 29: Judicial councils and conferences) and approval by the Guam Legislature.

b. The Administrative Director of the Court.

(1) The position of the Administrative Director of the Court is authorized by the Guam Legislature upon approval of the Judicial Council.

(2) The Administrative Director of the Court is appointed by the Presiding Judge and serves at his pleasure.

(3) The Administrative Director of the Court does not personally supervise the operations of the divisions of the AOC, however, his span of control does cover the operations of each division including: calendaring; court reporting; records management; community service; jury management; maintenance and security; chamber staff support; forms development; Traffic Violations Bureau Operations; service and execution of process, writs, and orders; probation services; personnel services; procurement; financial management; and plans and research.

c. Office Organization. The Office of the Administrative Director of the Court consists of 19 people: 13 professionals (including the Administrative Director of the Court) and 6 clerical personnel. The professional staff provides support services in the following areas: payroll, accounting, auditing, budgeting and purchasing; education and training; personnel systems and office management; legislative, executive, public, and media information, and legislative liaison; and planning and research activities including statistical compilation, judicial planning, research, evaluation, and statistical analysis.

[The Administrative Director of the Court]

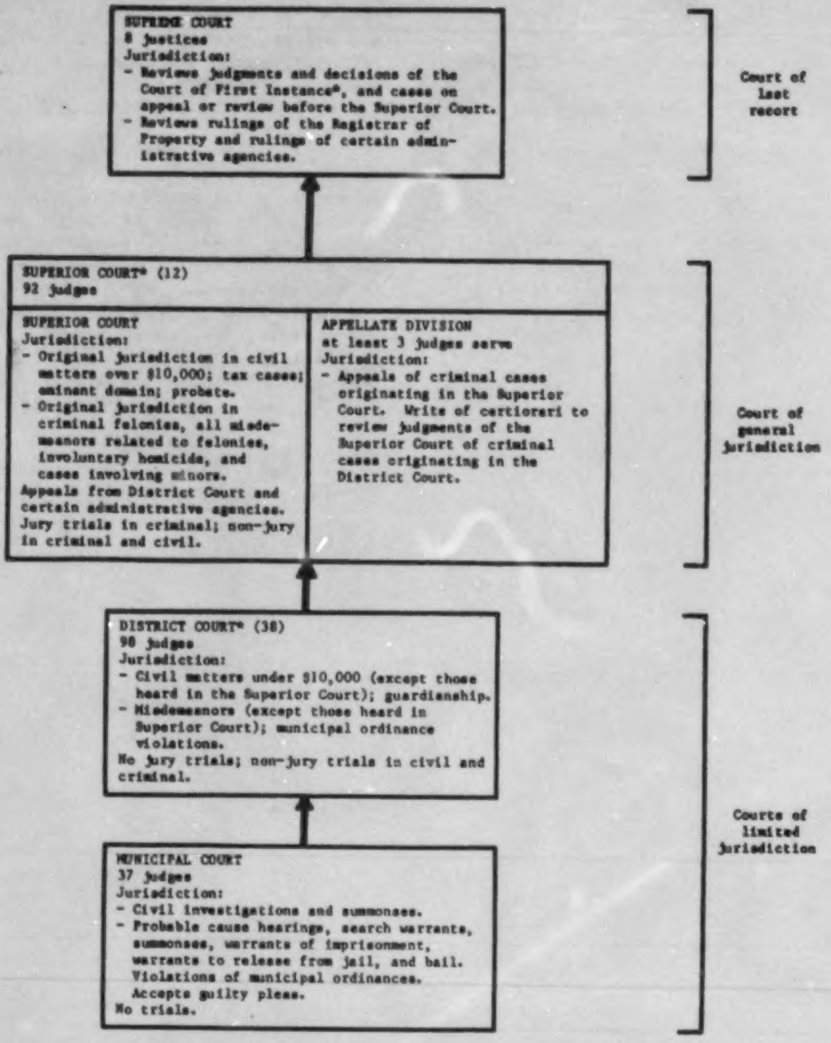
Quasi-Judicial Officers

6.0 There are no quasi-judicial officers in Guam.

Judicial Discipline

7.0 Information on judicial discipline is not available.

Figure 1: Puerto Rico court system, 1980


SUPREME COURT
8 justices
Jurisdiction:
- Reviews judgments and decisions of the Court of First Instance*, and cases on appeal or review before the Superior Court.
- Reviews rulings of the Registrar of Property and rulings of certain administrative agencies.
Court of last resort
SUPERIOR COURT* (12)
92 judges
SUPERIOR COURT
Jurisdiction:
- Original jurisdiction in civil matters over $10,000; tax cases; eminent domain; probate.
- Original jurisdiction in criminal felonies, all misdemeanors related to felonies, involuntary homicide, and cases involving minors.
Appeals from District Court and certain administrative agencies.
Jury trials in criminal; non-jury in criminal and civil.
APPELLATE DIVISION
at least 3 judges serve
Jurisdiction:
- Appeals of criminal cases originating in the Superior Court. Writs of certiorari to review judgments of the Superior Court of criminal cases originating in the District Court.
Court of general jurisdiction
DISTRICT COURT* (38)
98 judges
Jurisdiction:
- Civil matters under $10,000 (except those heard in the Superior Court); guardianship.
- Misdemeanors (except those heard in Superior Court); municipal ordinance violations.
No jury trials; non-jury trials in civil and criminal.
MUNICIPAL COURT
37 judges
Jurisdiction:
- Civil investigations and summonses.
- Probable cause hearings, search warrants, summonses, warrants of imprisonment, warrants to release from jail, and bail. Violations of municipal ordinances. Accepts guilty pleas.
No trials.
Courts of limited jurisdiction

⬆ Indicates route of appeal.

* The Court of First Instance consists of two divisions: The Superior Court and the District Court.

PUERTO RICO

Court of Last Resort

1.1 SUPREME COURT. The Supreme Court sits in San Juan. The Supreme Court's term begins on the first working day of September of each year and ends on the last working day of the following May, unless otherwise decided by the Court. During vacation, the court continues its work through one or more of its divisions.

[Rules of the Supreme Court of Puerto Rico (hereinafter R.S.C.), Rule 3; Administrative Director]

1.2 Organization. The Supreme Court may sit in divisions of not less than three justices. The court may sit in one or more such divisions for the dispatch of criminal and civil matters. Each division is presided over by the senior justice, except when the Chief Justice is sitting in that division.

[Constitution of the Commonwealth of Puerto Rico, Article V, Sections 3, 4; Laws of Puerto Rico Annotated (hereinafter L.P.R.A.) Title 4, Section 31; R.S.C., Rule 3]

1.3 Jurisdiction

a. The Supreme Court has original jurisdiction to hear petitions for habeas corpus and any other causes and proceedings as determined by law.

b. The Supreme Court has appellate jurisdiction over all matters heard in the Superior Court. The court may review decisions of several administrative agencies.

[Const., Art. V, §5; L.P.R.A., Title 4, §§35, 36, 37]

1.4 Justices (8)

a. The Chief Justice is selected in the same manner as the other justices. He serves until compulsory retirement at age 70.

b. Supreme Court justices must be citizens of the United States and of Puerto Rico, must have been admitted to the practice of law in Puerto Rico for at least 10 years, and must have resided in Puerto Rico for at least 5 years.

c. Supreme Court justices are appointed by the Governor and confirmed by the Senate of Puerto Rico. They hold office until age 70, except for just cause. Vacancies are filled in the same manner as original appointments.

[Const., Art. V, §§8, 9; Administrative Director]

1.5 Administration

a. The Chief Justice has administrative authority over the courts of Puerto Rico. He administrates and supervises the entire court system through the Administrative Director of the Courts, Superior Court judge administrators, and District Court judge administrators. Reference Section 5.1 (General administrative authority). As the administrative officer for the Supreme Court he may convene an extraordinary session during the vacation term of the court.

b. Reference Section 5.2.b (state-level administrator).

c. The position of clerk of the Supreme Court is described in the Rules of the Supreme Court. He supervises the personnel of his office in charge of the operational controls of the different matters submitted to the attention of the Supreme Court, and dissemination of information on the operations and the administration and control of the records. There are no formal provisions for assigning administrative duties to the clerk.

[L.P.R.A., Title 4, §31; R.S.C., Rules 7, 8; Administrative Director]

1.6 Rule-making. The Supreme Court adopts rules of evidence and rules of criminal and civil procedure for the courts. The rules are submitted to the legislature at the beginning of its next regular session and, if not disapproved, go into effect 60 days after the close of the session. The legislature has the power to amend, repeal, or supplement any rules by a specific law to that effect. The court may also adopt rules for the informal adjudication of small claims of $100 or less. The Supreme Court may adopt rules for the administration of the courts, subject to the laws that apply generally to all branches of the government.

[Const., Art. V, §§6, 7; L.P.R.A., Title 4, §2]

Intermediate Appellate Court

2.0 There is no provision for an intermediate appellate court in Puerto Rico.

Court of General Jurisdiction

3.1 COURT OF FIRST INSTANCE--SUPERIOR COURT. The Superior Court sits in continuous session.

[Administrative Director]

3.2 Organization. The Superior Court holds sessions in 12 locations around the commonwealth. By decision of the Chief Justice, the Superior Court may hold Appellate Sessions as necessary, or the Chief Justice may order the establishment of one or more Appellate Divisions. Each Appellate Session or Division is composed of at least three judges assigned by the Chief Justice.

[L.P.R.A., Title 4, §§61, 91; Administrative Director]

3.3 Jurisdiction

a. The Superior Court has original criminal jurisdiction in all felonies, all misdemeanors related to felonies, involuntary homicide, and in cases involving minors. The Superior Court has original civil jurisdiction in tax cases, eminent domain disputes, probate matters, and all other civil matters involving $10,000 or more.

The Appellate Sessions or Divisions hear appeals of criminal cases originating in the Superior Court, writs of certiorari to review judgments of the Superior Court in cases originating in the District Court, and all other criminal matters relating to the judgment, execution, or compliance thereof in accordance with that resolved by the Supreme Court through regulation.

b. The Superior Court has appellate jurisdiction over all cases heard in the District Court. The court also has jurisdiction to review decisions of administrative agencies, except those cognizable by the Supreme Court.

[L.P.R.A., Title 4, §§121, 122; Administrative Director]

3.4 Judges (92). At the request of the Chief Justice, accompanied by a certificate from the Administrative Director (reference Section 5.2.b), the number of judges may be increased to 114.

a. There is no provision for a chief judge over all parts of the Superior Court. In every multi-judge part of the Superior Court, the Chief Justice designates an administrative judge who serves a 1-year term. If there is only one judge, he serves as administrative judge.

b. Superior Court judges must be at least 25 years of age, must be admitted to the bar, and must have had at least 5 years of professional experience.

c. Superior Court judges are appointed by the Governor and confirmed by the Senate of Puerto Rico. They serve 12-year terms.

[Const., Art. V, §8; L.P.R.A., Title 4, §§92, 152; Rules of Administration for the Court of First Instance of the Commonwealth of Puerto Rico (hereinafter Rules of Administration), Rule 2]

3.5 Administration

a. Whereas there is no provision for a chief judge over all the parts of the Superior Court, the judge administrators of the individual Superior Court parts are responsible to the Chief Justice for the administration of their courts. They have judicial tasks as well as administrative duties. They supervise the administrative work of the judges, officers, and other employees of their respective courts. The judge administrators of the Superior Court must cooperate in administrative matters with the judge administrators of the District Court, municipal judges, and justices of the peace included in their judicial districts. The judge administrators prepare the calendar of all judicial matters in order to be able to attend to the administration of their courts.

Each judge administrator must biannually submit to the Chief Justice a report explaining his activities as judge administrator during the preceding 6 months and the condition and progress of his court during the term, as well as any additional report the Chief Justice or the Administrative Director may require.

b. There are no provisions for an administrator over all the parts of the Superior Court or for administrators for the individual Superior Court parts. Reference Section 5.2.b (state-level administrator).

c. The position of secretary of the Superior Court is created by law. The secretary has responsibilities as determined by the court.

[L.P.R.A., Title 4, §§392-398, 442; Rules of Administration, Rule 2.3; Administrative Director]

3.6 Rule-making. The Supreme Court adopts rules of procedure and rules of administration for the Superior Court.

[Const., Art. V, §§6, 7; L.P.R.A., Title 4, §2]

Courts of Limited or Special Jurisdiction

4.1.1 COURT OF FIRST INSTANCE--DISTRICT COURT. The District Court sits in continuous session.

[Administrative Director]

4.2.1 Organization. There are 38 individual District Court parts located around the commonwealth. The court holds sessions in all towns as judicial needs dictates.

[L.P.R.A., Title 4, §§63, 151, 151a]

4.3.1 Jurisdiction

a. The District Court has original criminal jurisdiction in all misdemeanors, except those heard by the Superior Court; and in all violations of statutes or municipal ordinances within the jurisdiction of the municipal judges. The District Court has civil jurisdiction in all matters heard by the municipal judges; in all other civil matters involving not more than $10,000, except those heard by the Superior Court; and in all petitions for withdrawal of funds, filed by the parent or guardian of a minor or an incompetent in whose name funds up to $2,500 have been deposited in the court, upon depositing the same amount in a bank.

b. The District Court has no appellate jurisdiction.

[L.P.R.A., Title 4, §181; Administrative Director]

4.4.1 Judges (99)

a. There is no provision for a chief judge over all the parts of the District Court. Judge administrators for the individual District Court parts are selected in the same manner and for the same term as judge administrators for the Superior Court parts. Reference Section 3.4.

b. District Court judges must be at least 21 years of age, must have been admitted to the bar, and must have had at least 3 years of professional experience.

c. District Court judges are selected in the same manner and for the same term as Superior Court judges. They serve 8-year terms. Reference Section 3.4.

[L.P.R.A., Title 4, §152; Administrative Director]

4.5.1 Administration

a. Whereas there is no provision for a chief judge over all the parts of the District Court, the judge administrators of the individual District Court parts are responsible to the Chief Justice for the administration of their court. They assign judicial matters to the other judges subject to the direction of the Chief Justice.

In addition, the judge administrator of each part of the District Court supervises the administrative matters concerning the municipal judges appointed to the municipalities included within his territorial boundaries. Reference Section 3.5.

b. There are no provisions for an administrator over all the parts of the District Court or for administrators for the individual District Court parts. Reference Section 5.2.b (state-level administrator).

c. The position of secretary of the District Court is authorized by law. The secretary has responsibilities as determined by the court.

[L.P.R.A., Title 4, §§392-398, 442; Rules of Administration, Rules 2, 2.3; Administrative Director]

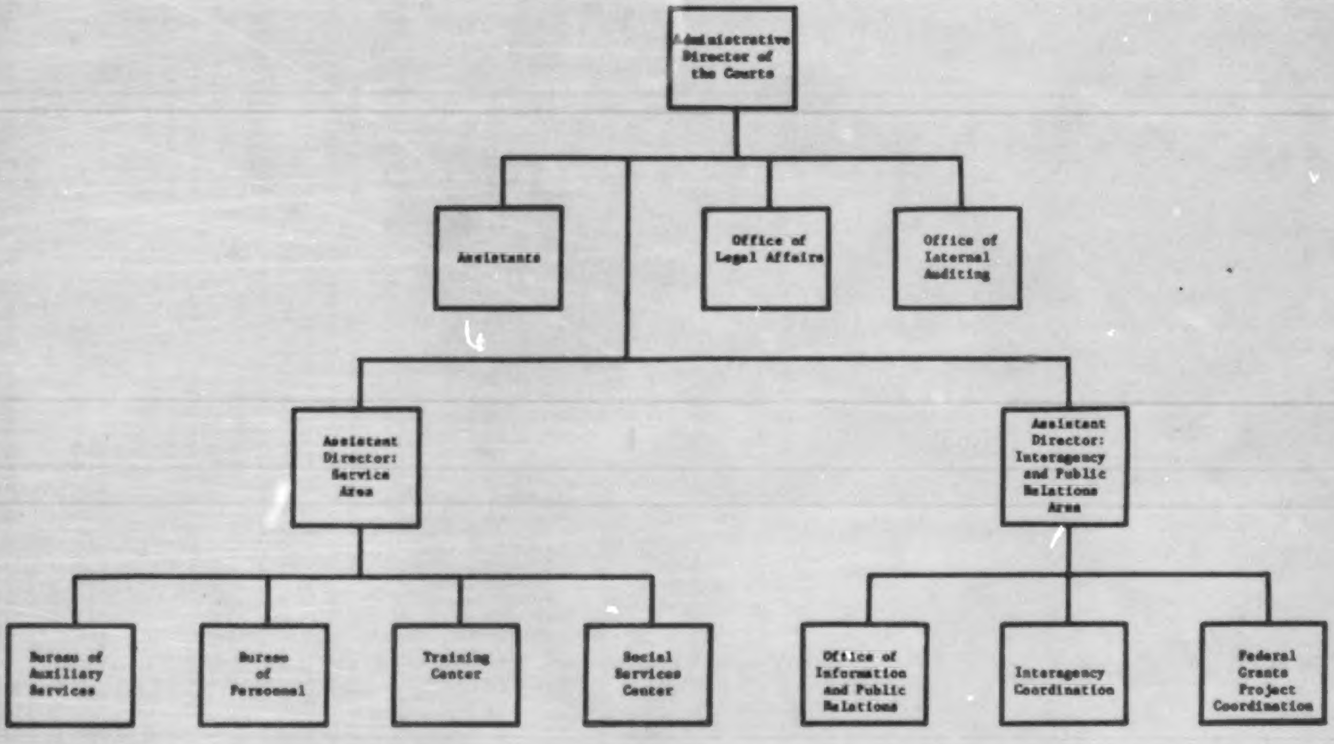
4.6.1 Rule-making. The Supreme Court adopts rules of procedure and administration for the District Court.

[Const., Art. V, §§6, 7; L.P.R.A., Title 4, §2]

4.1.2 MUNICIPAL COURT. The municipal court sits in continuous session.

[Administrative Director]

Figure 2: Puerto Rico state-level administrative office of the courts, 1980


Administrative Director of the Courts
Assistants
Office of Legal Affairs
Office of Internal Auditing
Assistant Director: Service Area
Assistant Director: Interagency and Public Relations Area
Bureau of Auxiliary Services
Bureau of Personnel
Training Center
Social Services Center
Office of Information and Public Relations
Interagency Coordination
Federal Grants Project Coordination

4.2.2 Organization. The Municipal Court sits where there is no District Court unless caseload warrants otherwise.

[Administrative Director]

4.3.2 Jurisdiction

a. The Municipal Court processes uncontested matters only. All contested matters must be filed in the District Court.

b. The Municipal Court has no appellate jurisdiction.

[Administrative Director]

4.4.2 Judges (53 judges and 7 justices of the peace

a. The Municipal Court does not have a presiding judge. The District Court judge presides over all the Municipal Courts in his District.

b. Judges of the Municipal Court must be 21 years of age, and must be members of the bar.

c. Judges of the Municipal Court are appointed by the Governor and serve 5-year terms.

[Administrative Director]

4.5.2 Administration

a. Reference Section 4.5.1.

b. District Court judge administrators oversee the Municipal Court within their district. Reference Section 4.5.1.a.

c. Reference Section 4.5.1.a.

[Administrative Director]

4.6.2 Rule-making. The Supreme Court adopts rules of procedure and rules of administration for the Municipal Court.

[Administrative Director]

State-Level Administration

5.1 General administrative authority. The Chief Justice is constitutionally empowered to direct the administration of the courts of Puerto Rico. Statutes further provide that he is responsible for the efficient operation of the parts and divisions of the courts and for the expeditious dispatch of litigation. He is assisted by the Office of Court Administration. The Chief Justice may assign judges to conduct sessions of the Court of First Instance (Superior Court and District Court). In addition, he assigns volunteer retired justices and judges to active service as special judges, designates municipal judges, appoints and supervises all nonjudicial personnel for the courts, and appoints the Administrative Director. Reference Section 1.5.a.

[Const., Art. V, §7; L.P.R.A., Title 4, §§62a-62g, 213, 301, 331, 361]

5.2 Office of Court Administration

a. The Office of Court Administration is established by statute.

b. Administrative Director

(1) The position of Administrative Director is created by the constitution.

(2) The Administrative Director need not be admitted to the bar, but, if he is an attorney, he may not practice law while in office. He is appointed by and serves at the pleasure of the Chief Justice.

(3) The Administrative Director directs the Office of Court Administration. The Administrative Director and his staff assist the Chief Justice by examining the administrative methods and efficiency of the court personnel, examining the state of the dockets and the pending caseloads of the courts, collecting statistical and other data as to court operation, preparing and keeping books of accounting, submitting estimates and drawing requisitions for public funds appropriated for operation of the judicial system, making recommendations to the Chief Justice for the improvement of court operation and the assignment and transfer of judges, and performing such tasks as the Chief Justice directs for the better administration of the courts.

c. Office organization. The Office of Court Administration consists of 310 people: 137 professionals (including the Administrative Director) and 173 clerical personnel. The professional staff provides support services in the following areas: programming, computer operations, records management and control; court coordination and other court services; auditing, budgeting, and purchasing; training; personnel systems; legislative, executive, public, and media information, and executive liaison; and planning and research activities including judicial planning, evaluation, statistical analysis, and legal services.

[Const., Art. V, §7; L.P.R.A., Title 4, §§331, 333; Administrative Director]

Quasi-Judicial Officers

6.1.1 SUPERIOR COURT AND DISTRICT COURT

6.2.1 Honorary magistrate

a. The position of honorary magistrate is established by law. Honorary magistrates must have been admitted to the practice of law in Puerto Rico at least 5 years before they are nominated as honorary magistrates. They cannot be employees of the Government of Puerto Rico or any of its instrumentalities, except for the professors of the University of Puerto Rico. The Governor appoints honorary magistrates with the advice and consent of the Senate of Puerto Rico.

b. Honorary magistrates may be assigned by the Chief Justice to any session or part of the Court of First Instance, where they have all powers of a judge.

[L.P.R.A., Title 4, §§62q, 62m; Administrative Director]

Judicial Discipline

7.1 There is no provision for a judicial disciplinary commission. Complaints of judicial misconduct or incompetence are investigated by the Administrative Director of the Office of Court Administration, whose findings and recommendations are referred to the Supreme Court.

7.2 Authority and procedure for sanction. The Supreme Court has adopted a new Code of Judicial Conduct, in force since September 1977. Supreme Court justices may be tried in the Senate of Puerto Rico and impeached by the House of Representatives of Puerto Rico for treason, bribery, other felonies, and misdemeanors involving moral turpitude. Judges of the Court of First Instance and justices of the peace and municipal judges may be removed by the Supreme Court. The Supreme Court may remove a judge found to be guilty of gross misconduct in the performance of his duties, or may censure or suspend a judge for less serious misconduct.

[Const., Art. III, §21, Art. V, §§11, 13; L.P.R.A., Title 4, §232]

VIRGIN ISLANDS

Court of Last Resort

1.0 There is no court of last resort in the Virgin Islands.

Intermediate Appellate Court

2.0 There is no intermediate appellate court in the Virgin Islands.

Court of General Jurisdiction

3.0 There is no court of general jurisdiction in the Virgin Islands.

Court of Limited or Special Jurisdiction

4.1 TERRITORIAL COURT OF THE VIRGIN ISLANDS. The court holds regular sessions at the times and places prescribed by the rules of the court. Special sessions may be held as required.

[4 V.I.C. §84]

4.2 Organization. The Territory of the Virgin Islands is divided into two geographical judicial divisions: the division of Saint Croix, and the division of Saint Thomas-Saint John. The division of St. Croix is subdivided into two jurisdictions, Christiansted and FrederickSted. One-half of the judges must reside in each judicial division. The Territorial Court is composed of Criminal, Civil, Traffic, Family, Conciliation, and Small Claims Divisions. The court may create such additional divisions as the public interest requires.

[4 V.I.C. §§1, 71, 79]

4.3 Jurisdiction

a. The Territorial Court has exclusive original jurisdiction in all criminal actions punishable by not more than a fine of $100, or 6 months of imprisonment, or both; and all violations of police and executive regulations. The court also has original jurisdiction concurrent with the District Court in all criminal actions wherein the maximum sentence does not exceed imprisonment of 5 years or a fine as prescribed by law.

The Territorial Court has exclusive original jurisdiction in all civil actions involving not more than $500. The court has original jurisdiction concurrent with the District Court in civil matters involving $500 to $50,000; in supervising and administering estates and fiduciary relations; in appointing and supervising guardians and trustees; in hearing and determining juvenile, divorce, annulment, and separation proceedings; in granting adoptions and changes of name; in establishing paternity; in legitimizing children; and in making orders and decrees pertaining to the support of relations.

b. The Territorial Court has no appellate jurisdiction.

[4 V.I.C. §§75, 76]

4.4 Judges (6)

a. The Governor designates one of the judges of the court to serve as presiding judge over the two judicial divisions of the Territorial Court. He serves for such term as provided by law or rules of the court. There are no provisions for presiding judges for the two judicial divisions of the Territorial Court.

b. Territorial Court judges must be members in good standing of the Virgin Islands Bar and must have practiced law for at least 5 years prior to nomination. At least 3 of the 5 years must have been in the Virgin Islands.

c. Territorial Court judges are appointed for 6-year terms by the Governor with the advice and consent of the legislature.

[4 V.I.C. §§71, 72]

4.5 Administration. 4 V.I.C. §91 creates the Office of Administrator of the Territorial Court.

a. The presiding judge over the two judicial divisions of the Territorial Court may exercise such authority as provided by law or by rules of the court. There are no provisions for presiding judges for the two judicial divisions of the Territorial Court.

b. The Administrative Director of the Territorial Court, appointed by the presiding judge, has a number of duties relating to the administration of the court, including the following: collecting and compiling statistical data and other information on the judicial work of the court and on the workload of other officers related to and serving the court and publishing periodic reports with respect thereto; dividing the docket of cases and assigning cases among all judges of the court with the advice and consent of the presiding judge; preparing and submitting to the presiding judge budget estimates of appropriations necessary for the maintenance and operation of the court; and preparing and publishing an annual report on the work of the court and on the activities of the office of administrator. There are no provisions for administrators for the two judicial divisions of the Territorial Court.

c. The presiding judge of the Territorial Court appoints a clerk for the court who, with the approval of the court, appoints a chief deputy clerk for each judicial division and other necessary deputies and employees. There are no statutory provisions for assigning administrative duties to the clerk.

[4 V.I.C. §§71, 86, 93, 381]

4.6 Rule-making. Practice and procedure in the Territorial Court are prescribed by rules adopted

Figure 1: Virgin Islands Court System, 1980

TERRITORIAL COURT OF THE VIRGIN ISLANDS
6 judges
Jurisdiction:
- Civil actions under $50,000 (exclusive jurisdiction under $300. Divorce, annulment, adoption, support, paternity, change of name. Administration of estate, guardianship, and trusteeship.
- Criminal cases with prison sentence under 3 years (exclusive jurisdiction if sentence no more than 6 months imprisonment or fine not more than $100). Exclusive jurisdiction in violations of police and executive regulations.
- Juvenile matters.

No appellate jurisdiction.

Court of
limited
jurisdiction

by the District Court, including the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Subject to the approval of the District Court, the Territorial Court may prescribe rules for the conduct of its business consistent with law and with the rules prescribed by the District Court.
[4 V.I.C. §§34, 83]

State-Level Administration

5.0 There is no provision for central administration because the judiciary of the Virgin Islands is divided between federal and territorial courts.

Quasi-Judicial Officers

6.0 There are no provisions for quasi-judicial officers for the Territorial Court.

Judicial Discipline

7.1 Virgin Islands Commission on Judidical Disabilities. The Commission on Judicial Disabilities consists of five members, all of whom must be residents of the Virgin Islands and none of whom may be serving in any capacity in any court in the Virgin Islands except as attorneys. The Governor of the Virgin Islands and the president of the legislature each appoints 2 members for 4-year terms. The Board of Governors of the Virgin Islands Bar Association appoints one of its members who has been actively engaged in the practice of law in the Virgin Islands for at least 5 of the 10 years before his appointment to the commission to serve a 1-year term.
[4 V.I.C. §§652, 653]

7.2 Authority and procedure for sanction. The Virgin Islands Commission on Judicial Disabilities has the power to retire or remove a judge of the Territorial Court. The commission may undertake an investigation on its own initiative or upon complaint of any person. The commission may terminate the investigation or order a hearing concerning the conduct or health of a judge. A hearing must be held prior to making an order affecting the tenure of a judge. Such hearings are confidential unless otherwise authorized by the judge whose conduct or health is the subject of the proceedings. The judge is entitled to 20 days notice of charges. He is admitted to the hearing, is represented by counsel, offers evidence in his own behalf, and confronts and cross-examines witnesses. The commission has subpoena powers and may order a judge whose health is in issue to submit to a medical examination by a duly licensed physician designated by the commission. The commission must report within 90 days after the conclusion of the hearing findings of fact and make a determination regarding the conduct or health of a judge who was the subject of the hearing. Four members must concur in a removal or retirement order. The commission files an appropriate order in the District Court, giving notice on or before the date the order is filed to the judge, the presiding judge of the Territorial Court, and the Governor of the Virgin Islands. A judge aggrieved by a commission order filed with the District Court may within 20 days petition the District Court to review the order. The District Court reviews the proceedings giving rise to the order and affirms the order, reverses the order, or remands the cause to the commission for further proceedings. Determination by the District Court is final and conclusive.
[4 V.I.C. §§651, 657, 658, 659]

Appendix A: State Court Administrators

Appendix A

The following individuals and their staff were consulted by the staff of the National Court Statistics Project concerning the accuracy and completeness of the data that appears in each table and the narrative profile for their respective state included in this report.

Alabama
Allen L. Tapley
Administrative Director of
the Courts

Alaska
Arthur H. Snowden II
Administrative Director,
Alaska Court System

Arizona
Noel K. Dessaint
Administrative Director of the
Courts

Arkansas
James Guy Petty
Executive Secretary, Arkansas
Judicial Department

California
Ralph J. Gampell
Administrative Director of the
Courts and Secretary of the
Judicial Council

Colorado
James D. Thomas
State Court Administrator,
Judicial Department

Connecticut
Honorable John A. Speziale
Justice, Chief Court Administrator

Delaware
John R. Fisher
Director, Administrative Office
of the Courts

Florida
Donald D. Conn
State Courts Administrator

Georgia
Robert L. Doss
Director, Administrative Offices
of the Courts

Hawaii
Lester Earl Cingcade
Administrative Director of
the Courts

Idaho
Carl F. Bianchi
Administrative Director
of the Courts

Illinois
Honorable Roy O. Gulley
Director, Administrative Office
of the Courts

Indiana
Bruce A. Kotzan
State Court Administrator

Iowa
William J. O'Brien
State Court Administrator

Kansas
Howard P. Schwartz
Judicial Administrator

Kentucky
Charles D. Cole
Director, Administrative
Office of the Courts

Louisiana
Eugene J. Murret
Judicial Administrator

Maine
John P. Duffy
State Court Administrator

Maryland
William H. Adkins II
State Court Administrator

Massachusetts
Honorable Arthur M. Mason
Chief Administrative Justice
of the Trial Court

Michigan
Einar Bohlin
State Court Administrator

Minnesota
Laurence C. Harmon
State Court Administrator

Mississippi
Honorable Martin R. McLendon
Executive Assistant

Missouri
James M. Parkison
State Courts Administrator

Montana
Michael Abley
State Court Administrator

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Nebraska
Joseph C. Steele
State Court Administrator

Nevada
Harold E. Newpher
Director, Administrative Office
of the Courts

New Hampshire
Jeffrey W. Leidinger
Director of Administrative Services

New Jersey
Robert D. Lipscher
Director, Administrative
Office of the Courts

New Mexico
Edward J. Baca
Director, Administrative Office
of the Courts

New York
Honorable Herbert B. Evans
Chief Administrative Judge

North Carolina
Bert M. Montague
Director, Administrative Office
of the Courts

North Dakota
William G. Bohn
State Court Administrator

Ohio
Coit H. Gilbert
Administrative Director of the Courts

Oklahoma
Marvin C. Emerson
Administrative Director of the Courts

Oregon
Honorable Loren D. Hicks
State Court Administrator

Pennsylvania
Honorable Alexander F. Barbieri
Court Administrator

Rhode Island
Walter J. Kane
State Court Administrator

South Carolina
L. Edmund Atwater III
Director, South Carolina
Court Administration

South Dakota
Mark G. Geddes
State Court Administrator

Tennessee
Cletus W. McWilliams
Executive Secretary

Texas
C. Raymond Judice
Administrative Director of the Courts

Utah
Richard V. Peay
Court Administrator

Vermont
Michael K. Krell
Court Administrator

Virginia
Robert N. Baldwin
Executive Secretary

Washington
Howard Stanton Primer
Administrator for the Courts

West Virginia
Paul Crabtree
Administrative Director of the Courts

Wisconsin
J. Denis Moran
Director of State Courts

Wyoming
Theodore J. Fetter
State Court Administrator

American Samoa
Honorable Richard I. Miyamoto
Chief Justice, High Court of American Samoa

District of Columbia
Larry P. Polansky
Executive Officer

Guam
Robert E. Leon Guerrero
Administrative Director of the Courts

Puerto Rico
Eulalio A. Torres
Administrative Director of the Court

Virgin Islands
Honorable Verne A. Hodge
Presiding Judge

Appendix B: Data Collection Instruments

1980

STATE COURT ORGANIZATION SURVEY

A JOINT EFFORT OF:

CONFERENCE OF
STATE COURT ADMINISTRATORS

NATIONAL CENTER FOR
STATE COURTS

NATIONAL COURT STATISTICS PROJECT, 300 NEWPORT AVENUE, WILLIAMSBURG, VA. 23185

Form Approved: O.M.B. No. 043-S80004

STATE COURT ORGANIZATION SURVEY

The **State Court Organization Survey** is being conducted by the **National Court Statistics Project**, a project of the **National Center for State Courts**, in cooperation with state courts as represented by the **Conference of State Court Administrators (COSCA)**. Through this cooperative effort to develop a reliable reference source about our judicial system, the State Court Organization Survey is gathering data on personnel, financial, and organizational characteristics of each state's judicial and administrative system.

This request is authorized by the Justice System Improvement Act of 1979 (P.L. 96-157, 93 Stat. 1167, 42 United States Code 3701). While you are not legally required to respond, your cooperation is needed to make the results of this survey comprehensive, accurate, and timely.

Because the scope of the State Court Organization Survey is very broad and the result of this study will be far reaching, a careful explanation of some of the areas on the questionnaire is provided below:

--Year of Data: It is vital that the State Court Organization Survey collect and further disseminate the most current data. Therefore, the reference date for this survey and our preferred date is January 1, 1980. If the preferred date is not used in reporting the requested data, please footnote the data you are providing and give the date on page 13.

--Footnotes: If the space provided in the questionnaire does not allow you to adequately describe your data or to comment on the data, please footnote the particular question (start with A and use alphabetical order) and place your comments, cross-referenced to the footnote, on page 13 of the questionnaire. If additional space is needed, please use additional sheets.

--Comparability: It must be remembered that comparability is an important factor in this study. To meet this need, please remember that data must be consistent throughout the entire questionnaire. Please maintain the same date of reference, the same number of courts, and answer all questions according to the directions provided. Any deviation should be clearly explained in your footnotes.

--Examples: Data that are printed on the first line for each question represent an example of the data that should be placed in each cell. These data are strictly hypothetical.

--Direct Current: Direct current expenditures include salaries, wages, fees, and commissions; and purchase of supplies, materials, and contractual services.

--Fringe Benefits: (Contributions for Employee Benefits)--Any employer contributions to the Federal Social Security program, state and local retirement systems, commercial or mutual life insurance plans, workmen's compensation funds; and premiums paid for health, hospital, disability, and other insurance programs. Exclude payments made directly to individuals and contributions made by employees to any of the above programs.

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--Capital Outlay: The following categories should be included in your capital outlay expenditure data:

A. **Construction:** Production of fixed works and structures, and additions, replacements, and major alterations thereto, undertaken by the employees of the government either on a contract basis by private contractors or through force account construction. Included are the planning and designing of specific projects; the grading, landscaping, and other site improvement; and the provision of equipment and facilities that are integral parts of the structure.

B. **Equipment:** Purchase and installation of apparatus, furnishings, office equipment, motor vehicles, and the like having an expected life of more than 5 years. This includes both additional equipment and replacements. Rentals for equipment, including rental payments that may be credited on the purchase price if purchase options are exercised, are classified as direct current expenditure. Equipment and facilities that are integral parts of constructed or purchased structures are classified respectively under construction (see A) or purchase of land and existing structures (see C).

C. **Purchase of Land and Existing Structures:** Purchase of these assets as such, purchase of right-of-way, the cost of a title search, and similar activities associated with purchase transactions.

We realize your time is very limited and your schedule is very busy. It is of the utmost importance, however, that we receive your response to this questionnaire within the next three (3) weeks. Attached you will find a self-addressed, stamped envelope for your convenience to mail your response. If you wish to have another copy of this questionnaire, please telephone and a copy will be mailed to you.

The data from these questionnaires will be compiled and published as the 1980 State Court Organization Survey. We will send you the published document as soon as it is available.

If you have any questions or desire clarification on any aspect of this questionnaire, please call Robert Zastany or Joyce White at 804-253-2000. Thank you for your time and cooperation.

PART 1: COURT PERSONNEL

1. How many full-time and part-time judgeships are authorized for courts of appellate, general, and special or limited jurisdiction in your state? (As of January 1, 1980)

   Note: Verify the name of each type of court within each level of court.

2. How many full-time and part-time retired judges served on courts of appellate, general, and special or limited jurisdiction in your state? (During calendar year 1979)

   Note: Count each retired judge once in his or her primary assigned court.

Court Type Within Level of Court	1. Authorized Judgeships				2. Retired Judges			
	Full-Time		Part-Time		Full-Time		Part-Time	
	Total Authorized	Total Utilized	Total Authorized	Total Utilized	Total Available	Total Utilized	Total Available	Total Utilized
Example: District Court	*241*	*237*	*15*	*7*	*7*	*3*	*2*	*0*
Appellate:								
-								
-								
-								
General:								
-								
-								
-								
-								
Special/Limited:								
-								
-								
-								
-								
-								
-								
-								
-								
-								

3A. In the columns below please indicate the number of "full-time equivalent" (FTE) personnel in courts of last resort and in intermediate appellate courts for each of the positions listed. (As of January 1, 1980)

Note: 1) Retired judges should not be counted or displayed for this question.
2) Do not count Administrative Office of the Courts/Judicial Council Staff; refer to Question Number 5.
3) A full-time equivalent is one person at 100%, two persons at 50%, three persons at 33 1/3%, etc.

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	TYPE OF POSITION									
			Judicial Support						Office of the Clerk	
					Legal Staff					
Court Type Within Level of Court	Total FTE Personnel	FTE Judges	FTE Commissioners and Other Quasi-Judicial Personnel	FTE Court Reporters (editors of opinions)	FTE Assigned to Individual Judges (not counted in central staff)	FTE Central Staff	FTE Secretaries and Other Clerical Staff	FTE Other Court Employees* Paid by the Court (i.e., bailiff, marshall, etc.)	FTE Clerk of Court and Professional Staff	FTE Secretaries and Other Clerical Staff
Example: Supreme Court	*44*	*7*	*0*	*2*	*7*	*3*	*7*	*10*	*2*	*6*
Court(s) of Last Resort: – –										
Intermediate Appellate Court(s): – –										

*Please Specify Type of Position of Other Court Employees: ______________________

____

(Question No. 3 continued on next page)

3B. In the columns below please indicate the number of "full-time equivalent" (FTE) personnel in general, and in special or limited jurisdiction courts for each of the positions listed. (As of January 1, 1980)

Note: 1) Retired judges should not be counted or displayed for this question.
2) Do not count Administrative Office of the Courts/Judicial Council Staff; refer to Question Number 5.
3) A full-time equivalent is one person at 100%, two persons at 50%, three persons at 33 1/3%, etc.

	TYPE OF POSITION									
			Judicial Support						Office of the Clerk	
					Legal Staff					
Court Type Within Level of Court	Total FTE Personnel	FTE Judges	FTE Trial Court Administrators and Their Professional Staff	FTE Court Reporters	FTE Assigned to Individual Judges (not counted in central staff)	FTE Central Staff	FTE Secretaries and Other Clerical Staff	FTE Other Court Employees* Paid by the Court (i.e., bailiff, pretrial/probation services, etc.)	FTE Clerk of Court(s) and Professional Staff	FTE Secretaries and Other Clerical Staff
Example: District Court	*517*	*70*	*17*	*44*	*17*	*5*	*107*	*52*	*64*	*141*
General: - - -										
Special/Limited: - - - - - - - - - -										

*Please Specify Type of Position of Other Court Employees: ____________________

____

4. Please indicate the titles of officers, number of officers, and courts served by commissioners, masters, referees, registers, magistrates, registers of probate, and/or other types of quasi-judicial officers (i.e., those who serve regularly in an authorized quasi-judicial capacity). (As of January 1, 1980)

Note: If an officer serves more than one court type, count that individual only once in the court of his/her primary assignment.

Court Type Within Level of Court	Title of Officer	Number of Officers	
		Full-Time	Part-Time
Example: District Court	*Master*	*17*	*3*
Appellate:			
General:			
Special/Limited:			

PART II: STATE-LEVEL ADMINISTRATIVE OFFICES

☐ AOC/SCA
☐ JUDICIAL COUNCIL

(Please check box for which data are given.)

5. Please give the number of full-time equivalent (FTE) professional personnel employed by and working in your administrative office (as of January 1, 1980) in each of the following types of positions. (Do not include clerical/secretarial staff.)

Note: 1) Display personnel by percent of time each spends in every job function. For example: 1 FTE professional could divide his/her time as follows: .50 Statistical Compilation, .25 Research, .10 JPC/Planning, and .15 Evaluation.

2) If more than one person perform a function, add together the segments of their time and display the sum by that function. For example: 3 FTE professionals each performing statistical compilation for .25 of their time would equal .75. Thus, .75 would be placed in the space corresponding to statistical compilation.

Professionals by Function

Kind of Activity	Management Activities	Information Systems Activities	Court Support Services	Finance and Budget Activities	Education and Training Activities	Personnel Services	Public Information and Liaison Activities	Planning and Research Activities
FUNCTIONS	___ SCA ___ Deputy SCA ___ ___	___ Supervision ___ Systems analysis ___ Programming ___ Computer operations ___ Records management ___ Forms development ___ Field representative(s) ___ ___	___ Supervision ___ Probation coordination ___ Court reporting ___ Trial court administrator(s) ___ Court coordination ___ Other court services ___ Facilities management ___ ___	___ Supervision ___ Payroll ___ Accounting ___ Audit ___ Budgeting ___ Purchasing ___ ___	___ Supervision ___ Education ___ Training ___ Library ___ Publications ___ ___	___ Supervision ___ Personnel systems ___ Office management ___ ___	___ Supervision ___ Legislative, executive, public, and media information ___ Legislative liaison ___ Executive liaison ___ ___	___ Supervision ___ Statistical compilation ___ JPC/planning ___ Research ___ Evaluation ___ Statistical analysis ___ Legal services ___ Legislative drafting ___ ___
TOTAL Professional Staff: ___	___ Total	___ Total	___ Total	___ Total	___ Total	___ Total	___ Total	___ Total

6. A. What was the total of direct current operating expenditures for the state-level administrative office for the last completed fiscal year? Please include federal funds that were a part of your direct current operating expenditures.

Note: Direct current operating expenditures included here should be salaries, wages, fees, commissions, purchase of supplies, materials, and contractual services. Do not include capital outlay or employee fringe benefits; also see definitions at the beginning of the Questionnaire.

Amount of Direct Current Expenditures
$

B. What was the total expenditure for employee fringe benefits for the state-level administrative office for the same fiscal year as used in Question No. 6A?

Note: Please include the fringe benefit portion of federal funds that were a part of direct current operating expenditures.

Fringe Benefit Expenditures
$

C. What was the total expenditure for the state-level administrative office for the last completed fiscal year?

Note: The total expenditure should include the cost of operation of the state-level administrative office and the cost of programs administered by the state-level administrative office (these are defined in more detail in Question No. 7).

AMOUNT
$

For which period was that expended?

	Check One
FY July 1, 1978 to June 30, 1979	☐
or FY Oct. 1, 1978 to Sept. 30, 1979	☐
or CY Jan. 1, 1978 to Dec. 31, 1979	☐
Other__________to________, 1979 (specify)	☐

D. If it is not possible to segregate the expenditure for the state-level administrative office from an aggregate amount expended for several agencies, please give the aggregate amount.

AGGREGATE AMOUNT
$

AND

E. Specify which agencies or services other than those of the state-level administrative office that were covered by the expenditure: ________

____

7. Please indicate the source(s) of total expenditures (state, federal government, and other) for the state-level administrative office for the last completed fiscal year and the relative contribution of each source to the total.

Note: **Percentages displayed below should correspond with actual expenditure amounts reported in Question No. 6.**

Total Funding for State-Level Administrative Office

Operational and Pass-Through Fiscal Components	Percent of Expenditure Contributed by*:			
	State	Federal Government	Other (specify)**	Total
Operation of the State-Level Administrative Office. (State court administrator exerts routine day-to-day operational control, e.g., fiscal and other staff personnel, facilities/maintenance, equipment/supplies/forms.)	%	%	%	100%
Programs administered by the State-Level Administrative Office. (State court administrator acts as a funding vehicle or pass-through for support funds, e.g., judicial salaries, educational/training, pretrial delay, special equipment grants, management information systems.)	%	%	%	100%

***Use actual data. If actual data are not available, please give estimates and specify which figures are estimates.**

****Other source(s) (specify):**

____

____

8A. Which of the following functions does the state-level administrative office actually PERFORM? Check appropriate boxes below.

8B. For which court levels does the state-level administrative office perform this function? Check appropriate boxes in the column(s) below. N/A = Not applicable.

			All Courts	Court(s) of Last Resort	Intermediate Appellate Court(s)	Court(s) of General Jurisdiction	Court(s) of Special or Limited Jurisdiction
1.	☐	Makes appearances before legislative committees dealing with court-related legislation.	☐	☐	☐	☐	☐
2.	☐	Obtains sponsors for legislation relating to courts.	☐	☐	☐	☐	☐
3.	☐	Represents the judiciary before agencies of the executive branch.	☐	☐	☐	☐	☐
4.	☐	Makes recommendations to the Court of Last Resort with respect to the creation or dissolution of judgeships.	☐	☐	☐	☐	☐
5.	☐	Makes recommendations to the Court of Last Resort with respect to the assignment of judges.	☐	☐	☐	☐	☐
6.	☐	Nominates trial court administrators for selection by trial courts.	N/A	N/A	N/A	☐	☐
7.	☐	Is responsible for records management systems.	☐	☐	☐	☐	☐
8.	☐	Is responsible for managing data processing.	☐	☐	☐	☐	☐
9.	☐	Is responsible for forms design.	☐	☐	☐	☐	☐
10.	☐	Is responsible for managing information systems.	☐	☐	☐	☐	☐
11.	☐	Establishes records for automated administrative systems.	☐	☐	☐	☐	☐
12.	☐	Is responsible for budgeting financial requirements of state information systems.	☐	☐	☐	☐	☐
13.	☐	Is responsible for statewide inventory control of facilities/equipment.	☐	☐	☐	☐	☐

8A. (Continued)
Which of the following functions does the state-level administrative office actually PERFORM? Check appropriate boxes below.

8B. (Continued)
For which court levels does the state-level administrative office perform this function? Check appropriate boxes in the column(s) below.

		All Courts	Court(s) of Last Resort	Intermediate Appellate Court(s)	Court(s) of General Jurisdiction	Court(s) of Special or Limited Jurisdiction
23.	☐ Conducts audit of judicial expenditures.	☐	☐	☐	☐	☐
24.	☐ Requires accounting and budget reports from the courts.	☐	☐	☐	☐	☐
25.	☐ Approves requisitions for capital equipment/construction.	☐	☐	☐	☐	☐
26.	☐ Determines compensation for nonjudicial court personnel.	☐	☐	☐	☐	☐
27.	☐ Establishes qualifications for nonjudicial court personnel.	☐	☐	☐	☐	☐
28.	☐ Is responsible for judicial training programs and seminars.	☐	☐	☐	☐	☐
29.	☐ Is responsible for nonjudicial training programs and seminars.	☐	☐	☐	☐	☐
30.	☐ Is responsible for managing state law libraries.	☐	☐	☐	☐	☐
31.	☐ Assists court(s) in exercise of its rule-making function.	☐	☐	☐	☐	☐
32.	☐ Disseminates information on court operations to the media and public.	☐	☐	☐	☐	☐
33.	☐ Disseminates information on court decisions to the media and public.	☐	☐	☐	☐	☐
34.	☐ Is responsible for court planning and grant management.	☐	☐	☐	☐	☐
35.	☐ Collects/analyses/publishes court caseload statistics.	☐	☐	☐	☐	☐
36.	☐ Requires caseload reports from the courts.	☐	☐	☐	☐	☐
37.	☐ Collects statistics on expenditures of state.	☐	☐	☐	☐	☐

8A. (Continued)
Which of the following functions does the state-level administrative office actually PERFORM? Check appropriate boxes below.

8B. (Continued)
For which court levels does the state-level administrative office perform this function? Check appropriate boxes in the column(s) below. N/A = Not applicable.

	All Courts	Court(s) of Last Resort	Intermediate Appellate Court(s)	Court(s) of General Jurisdiction	Court(s) of Special or Limited Jurisdiction
14. Provides secretariat services to:	☐	☐	☐	☐	☐
☐ a) Judicial Council.	☐	☐	☐	☐	☐
☐ b) Judicial Nominating Commission.	☐	☐	☐	☐	☐
☐ c) Judicial Disciplinary Commission.	☐	☐	☐	☐	☐
☐ d) Judicial Tenure Commission.	☐	☐	☐	☐	☐
☐ e) Judicial Compensation Commission.	☐	☐	☐	☐	☐
☐ f) Other, (Specify: ________________).	☐	☐	☐	☐	☐
15. ☐ Researches court organization and function.	☐	☐	☐	☐	☐
16. ☐ Supplies reports and documents to the legislature as required.	☐	☐	☐	☐	☐
17. ☐ Provides technical assistance to court jurisdictions.	N/A	N/A	☐	☐	☐
18. ☐ Manages physical facilities for courts.	☐	☐	☐	☐	☐
19. ☐ Supervises probation services.	☐	☐	☐	☐	☐
20. ☐ Supervises court reporter services.	☐	☐	☐	☐	☐
21. ☐ Is responsible for managing indigent defense.	☐	☐	☐	☐	☐
22. ☐ Prepares budget for submission to the Court of Last Resort.	☐	☐	☐	☐	☐

9A. Which of the following accurately describes the relationship between the state judicial and executive branches relevent to fiscal administration? CHECK APPROPRIATE BOXES.

1. Judicial branch has ☐ limited ☐ total authority for statewide judicial fiscal administration.
2. Judicial branch ☐ sets its own ☐ follows the executive branch's fiscal administrative procedures; if it sets its own, they are ☐ similar to ☐ different from those of the executive branch.
3. Judicial branch ☐ sets its own ☐ follows the executive branch's ☐ uses independent state-level agency or service bureau that services all branches' (judicial, executive, and legislative) purchasing procedures; if it sets its own, they are ☐ similar to ☐ different from those of the executive branch.
4. Does the judicial branch process all major (more than $5,000 or $______) purchases through the state purchasing offices?
   ☐ YES ☐ NO If yes, it does so ☐ mandatorily ☐ voluntarily.
5. Judicial branch ☐ maintains its own ☐ uses the executive branch's inventory control system and procedures.
6. Judicial branch
   ☐ maintains its own payroll and personnel records and procedures.
   ☐ uses executive branch's payroll procedures, but maintains its own payroll and personnel records.
   ☐ uses executive branch's payroll procedures and personnel system.
   ☐ uses independent state-level agency or service bureau that services all branches (judicial, executive, and legislative).
7. Judicial branch
   ☐ maintains its own accounting system.
   ☐ uses executive branch's accounting system, but is not subject to executive controls and procedures.
   ☐ has an accounting system that is integrated with an executive system.

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9B. Which of the following accurately describes the relationship among the state judicial, executive, and legislative branches relevant to fiscal administration? CHECK APPROPRIATE BOXES.

1. Executive branch must approve transfer of funds across budget categories. ☐ YES ☐ NO
2. Executive branch must approve all payable vouchers. ☐ YES ☐ NO
3. Executive branch must approve ☐ all purchases.
   ☐ all purchases above $______.
   ☐ does not approve purchases.
4. Executive branch ☐ performs ☐ prescribes pre-audit procedures.
5. Executive branch ☐ performs ☐ prescribes internal audit procedures.
6. Legislative branch performs post-audit of judiciary. ☐ YES ☐ NO
7. State budget statutes treat judicial branch the same as "one of many" executive branch agencies. ☐ YES ☐ NO
8. State budget statutes treat judicial branch budget separately and co-equal to executive branch budget. ☐ YES ☐ NO
9. State budget statutes treat judicial branch budget separately and not equal to executive branch budget. ☐ YES ☐ NO

This area is provided for footnotes and general comments.

Footnote (letter) (refer to page 1)	Comments:

Footnote (letter)	Comments:

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CHECKLIST FOR REVIEWING STATE NARRATIVE PROFILES

When reviewing the profile of your state's court system, please make changes and additions directly on the profile. Make certain the profile displays information that is current (1980) and give particular attention to the following areas:

1. STATE-LEVEL ADMINISTRATIVE OFFICE ORGANIZATION CHART

    ___ Please enclose a chart displaying your current state-level Administrative Office structure. A hypothetical example is attached (Example A). If a published version is not available, please attach a draft copy.

2. COURT SYSTEM ADMINISTRATIVE STRUCTURE CHART

    ___ Please enclose a diagram reflecting your current court system administrative organization. Attached is a hypothetical example (Example B). Make certain that the entire administrative structure is displayed.

3. COURT SYSTEM ORGANIZATIONAL CHART. Please update (with 1980 information) the attached 1977 judicial organization chart.

    ___ Are the names of the courts accurate as shown?
    ___ Are there any courts in existence that are not included on the chart?
    ___ Are there courts on the chart that are no longer in existence?
    ___ Is the jurisdiction listed for each court correct and complete?

4. PROFILE. Please refer to the attached outline to locate the sections to be checked.

    a. Court terms. Sections 1.1, 2.1, 3.1, and 4.1
        ___ Is information concerning the number of terms and length of terms present for all courts?

    b. Geographical jurisdiction. Sections 2.2, 3.2, and 4.2
        ___ In all courts except the court of last resort, the geographic jurisdiction of the court should be included in the section on organization.

    c. Specialized divisions. Sections 3.2 and 4.2.
        ___ Are there any specialized divisions of the court that are not mentioned?

    d. Jurisdiction. Sections 3.4, 4.4
        ___ Has juvenile jurisdiction been adequately covered?

    e. Judges. Sections 1.4, 2.4, 3.4, 4.4
        ___ Check the number of judges for all courts. This should be the number of judges authorized.
        ___ In the general jurisdiction section (Section 3.4.a), there should be a statement that indicates whether or not there is a chief judge over all the districts or circuits in the state as well as a statement concerning whether or not there is a presiding judge for each district or circuit. Please check to make certain we have interpreted this situation correctly for your state. This distinction should also be made in the section on the administrative duties of the chief judge and presiding judges (Section 3.5.a). (The areas served by the chief judge and presiding judges should be made clear for all courts.)

(OVER)

___ If the justices and judges are elected, is the election process adequately described? (Sections 1.4.c, 2.4.c, 3.4.c, and 4.4.c)

  ___ Please indicate if the election is a retention election held after the vacancy has been filled by gubernatorial appointment.
  ___ If new justices are elected, is there a primary?

f. Administrative sections. Sections 1.5, 2.5, 3.5, and 4.5 Please check the duties listed for chief judges, administrators, and clerks and add any administrative or supervisory duties that do not appear.

___ In the general jurisdiction section (Section 3.5.b), a distinction should be made as to whether the trial court administrator serves over all the districts or circuits in the state or if each district or circuit has its own trial court administrator. The duties for each type of administrator should be listed. (The area served by every type of administrator should be clear for all courts.)

___ Please clarify whether the clerk of court supervises or carries out the duties that are listed, some of which appear to be clerical. (Clarify for all courts.)

g. Name of state-level administrative office. Section 5.2

___ Is the name shown the exact name of the office in your state?
___ Please supply the authorization (cite specific statute, constitutional provision, or court rule) for the office if it is missing (Section 5.2.a).

h. Director. Section 5.2.b

___ Is the title shown the exact title of the administrator?
___ Please supply the authorization (cite statute, constitution, etc.) for the position if it is missing (Section 5.2.b.[1]).

i. Office Organization. Section 5.2.c

___ Have support services been adequately explained?

5. GENERAL. The entire profile should be checked for the following:

a. Accuracy of material

___ Is the information about courts in your state accurate and complete according to the outline?

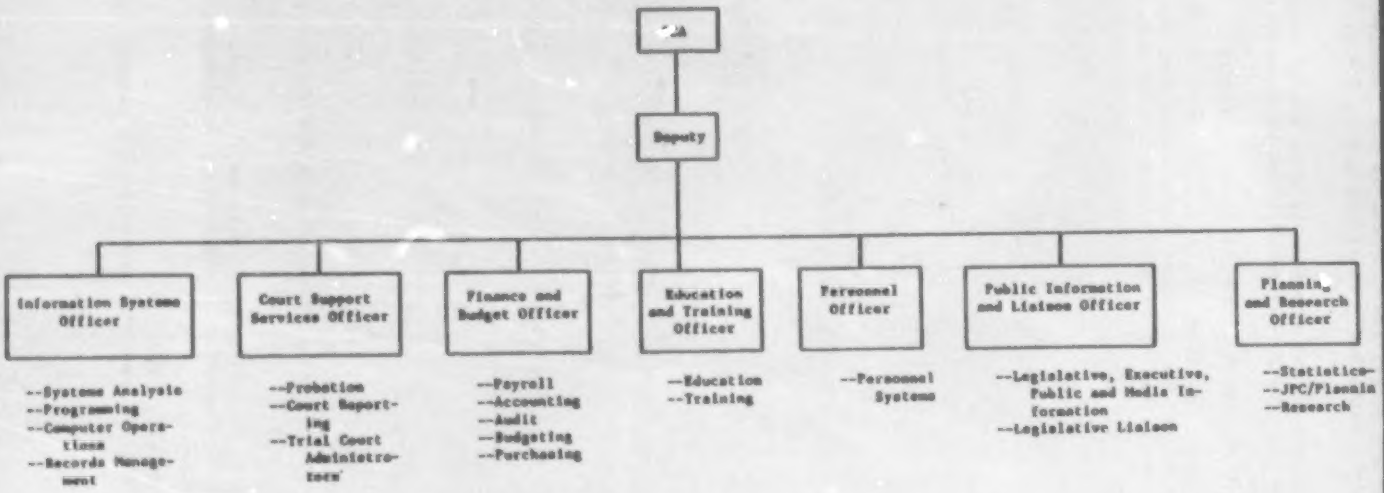
b. Citations

___ Are the citations accurate?
___ Are titles of documents or portions of titles expressed correctly?

6. TAILORED QUESTIONNAIRE. Each state is being requested to address specific issues relating to its profile. We need this information to complete the narrative portion.

___ Fill in the itemized missing data.
___ Please examine each specific question carefully and respond in the space provided.

EXAMPLE A: STATE-LEVEL ADMINISTRATIVE OFFICE OF THE COURTS (HYPOTHETICAL EXAMPLE)


SCA
Deputy
Information Systems Officer
Court Support Services Officer
Finance and Budget Officer
Education and Training Officer
Personnel Officer
Public Information and Liaison Officer
Planning and Research Officer
--Systems Analysis
--Programming
--Computer Operations
--Records Management
--Probation
--Court Reporting
--Trial Court Administrators
--Payroll
--Accounting
--Audit
--Budgeting
--Purchasing
--Education
--Training
--Personnel Systems
--Legislative, Executive, Public and Media Information
--Legislative Liaison
--Statistics-
--JPC/Plannin
--Research

Note: In smaller states several functions
may be combined within one person.
There may or may not be a deputy.

State Court Organization Verification Table: State of: "__________________"

Table 1: Justices of courts of last resort--name of court, number of authorized justices, term, and salary.

Name of court	Number of authorized justices	Method of selection of justices (other than Chief Justice)	Term of justices	Salary of justices (other than Chief Justice)

Table 2: Chief Justices of courts of last resort--title, method of selection, term, and salary.

Title	Method of selection	Term as Chief Justice	Salary

Table 3: Judges of intermediate appellate courts--name of court, number of court districts, number of authorized justices, term, and salary.

Name of court	Number of court districts	Number of authorized judges	Method of Selection	Terms	Salary

Table 4: Judges of Courts of general jurisdiction--name of court, number of courts, number of authorized judges, term, and salary.

Name of court	Number of courts	Number of authorized justices	Number of Counties	Terms	Salary

Table 5: Judges of courts of limited or special jurisdiction--name of court, number of courts, number of authorized judges, term, and salary.

Name of court	Number of courts	Number of authorized justices	Terms (in years)	Salary

Table 16: Jurisdiction of trial courts--name, number, and geographic boundaries of courts; number of judges; and areas of substantive jurisdiction.

Substantive jurisdiction												
Civil						Criminal				Appellate		
Estate	Domestic relations	Law	Other civil	Minimum $ amount jurisdiction	Maximum $ amount jurisdiction	Felony	Misdemeanor	Traffic	Juvenile	Civil	Criminal	Agency

Table 17: Jurisdiction over appeals in trial courts.

	Courts of general jurisdiction	Type of appeal and court of origin		
		De novo	De novo on record	On record

Table 6: Qualifications of appellate justices and judges.

Note: This table lists only qualifications required by constitution, statute, or court rule.

	U.S. citizenship	Law degree	Admitted to state bar	Minimum residence in		Minimum age	Years of legal experience
				State	District		

Table 7: Qualifications of general jurisdiction judges.

NOTE: This table lists only qualifications required by constitution, statute, or court rule.

	U.S. citizenship	Law degree	Admitted to state bar	Minimum residence in		Minimum age	Years of legal experience
				State	District		

Table 8: Qualifications of judges of limited and special jurisdiction courts.

NOTE: This table lists only qualifications required by constitution, statute, or court rule.

	U.S. citizenship	Law degree	Admitted to state bar	Minimum residence in		Minimum age	Years of legal experience
				State	District		

Table 10: Judicial selection.

State or other jurisdiction by court	Method of initial selection					Merit plan	Method of filling interim judicial vacancies
	Popular election		Appointment				
	Partisan	Non-partisan	By legislature or municipal body	By judge	By executive		

Table 11: Description of merit plans.

	Legal base of plan	Year established	Plan used for appointments		Number of nominees	Type of retention election		
			Initial	Interim		On record	Partisan	Nonpartisan

Table 24: State court administrators.

NOTE: The qualifications listed below are those required by constitutional, statute, or court rule.

	Qualifications for state court administrator		Appointing authority	Administrators' annual salary
	Education	Prior experience		

Table 29: Judicial councils and conferences.

	Name	Authority	Purpose

Table 18: Employees of appellate courts.

NOTE: All figures represent full-time employees or full-time equivalents.

	Name of court	Judicial			Administrative					
		Total	Judges	Commissioners and other quasi-judicial personnel	Clerk of court and staff	Legal staff		Reporters of decision	Secretaries and other support staff	Other
						I	C			

Table 19: Employees of general jurisdiction courts.

NOTE: All figures represent full-time employees or full-time equivalents.

		Judicial			Administrative						
							Law clerks				
	Name of court	Total	Judges	Masters, references, and other quasi-judicial personnel	Trial court administrator and professional staff	Clerk of Court and professional staff	I	C	Court reporters	Secretaries and other clerical	Other employees paid by the court

Table 20: Law clerks for courts of last resort.

	Number		Selected by			Replacements		
	Serving	Authorized	Court	Individual judge	Law Degree	Annual	Discretionary	Salary

Appendix C: Glossary

Glossary

Terms defined below are used in this document to describe court employees and types of courts. More extensive definitions of the terms starred (*) below and definitions of caseload terms may be found in the State Court Model Statistical Dictionary, compiled by the National Court Statistics Project (NCSP), National Center for State Courts and the Conference of State Court Administrators--NCSP Committee. Funding for the development of the dictionary and its subsequent publication in July, 1980, was provided by the Bureau of Justice Statistics, U.S. Department of Justice. Other definitions were modified from definitions contained in the National Survey of Court Organization, produced by the Law Enforcement Assistance Administration in 1973.

* Appellate Court - A court, the primary function of which is to review judgments of trial courts and administrative agencies (or in the case of a court of last resort, also to review decisions of an intermediate appellate court.

* Court - A unit of the judicial branch of government, authorised or established by construction or statute, which has the legal authority to decide cases or controversies brought before it.

* Court of General Jurisdiction - A trial court that has original jurisdiction over all subject matter or persons within its geographical limits except those that may be assigned by law to a limited or special jurisdiction court.

* Court of Last Resort - An appellate court that has final jurisdiction over appeals within the state.

* Court of Limited or Special Jurisdiction - A trial court that has legal jurisdiction over only the specific subject matter or persons assigned by law or statute to that court.

Court System - A judicial agency established or authorized by constitutional or statutory law. A court system may consist of a single court or a group of two or more courts.

Full-time Equivalent (FTE) - The total number of employees working full-time that would be needed to accomplish the amount of work that is done. This figure is calculated by dividing the total number of hours worked by all employees during the year by the number of hours in the standard agency work year. This definition is not related to other definitions of FTE that are based on the portion of the average full-time agency salary paid to each employee.

* Intermediate Appellate Court - An appellate court that hears appeals from trial courts and administrative agencies as specified by state law or at the discretion of the court of last resort.

Judicial District or Circuit - One of the geographic areas into which a state is commonly divided for judicial purposes. It may include part or all of one, two or more counties having separate court locations and presided over by the same judge or judges.

State Court - A court established or authorized under the constitution or laws of a state and concerned primarily with the judicial administration of state and local government law.

* Trial Court - A court, the primary function of which is to decide cases.

* Trial De Novo - A trial in which an appeal from a trial court is heard in the same or another trial court as a completely new hearing of the case.

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State Court Organization, 1980
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☐ Municipal

☐ Other--Specify ____________________

8. If you used this volume as a court employee, please indicate the type of court or office.

☐ Administrative

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☐ Intermediate appellate court

☐ General jurisdiction court

☐ Limited/special jurisdiction court

☐ Other--Specify ____________________

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☐ Justice or judge
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☐ Administrator
☐ Planner
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☐ Local court employee
☐ State Court Administrative Office employee
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